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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 11

[Docket No. APHIS–2011–0030]

RIN 0579–AD43

Horse Protection Act; Requiring Horse Industry Organizations To Assess and Enforce Minimum Penalties for Violations; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Correcting amendment.

SUMMARY: In a final rule that was published in the **Federal Register** on June 7, 2012, and effective on July 9, 2012, we amended the horse protection regulations to require horse industry organizations or associations that license Designated Qualified Persons to assess and enforce minimum penalties for violations of the Horse Protection Act. One of the minimum penalties was for violations related to shoeing the horse, but we neglected to include a citation to one of the shoeing violations for which the penalty should be assessed. This document corrects that error.

DATES: Effective January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Rachel Cezar, Horse Protection National Coordinator, Animal Care, APHIS, 4700 River Road, Unit 84, Riverdale, MD 20737; (301) 851–3746.

SUPPLEMENTARY INFORMATION:

Background

In a final rule that was published in the **Federal Register** on June 7, 2012 (77 FR 33607–33619, Docket No. APHIS–2011–0030), and effective on July 9, 2012, we amended the horse protection regulations in 9 CFR part 11 to require horse industry organizations or associations that license Designated Qualified Persons to assess and enforce minimum penalties for violations of the Horse Protection Act. We established the minimum penalties in a new § 11.25.

Paragraph (c)(6) of § 11.25 sets out the minimum penalty for a shoeing violation, which is that the horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction at which it is being inspected. The paragraph specifically cites the shoeing violation in paragraph (b)(18) of § 11.2, a section that lists various equipment-related violations. However, in the final rule, we neglected to include paragraph (b)(19) as a violation for which this minimum penalty must be assessed. Paragraph (b)(19) of § 11.2 indicates that the following is prohibited:

> Lead or other weights attached to the outside of the hoof wall, the outside surface of the horseshoe, or any portion of the pad except the bottom surface within the horseshoe. Pads may not be hollowed out for the purpose of inserting or affixing weights, and weights may not extend below the bearing surface of the shoe. Hollow shoes or artificial extensions filled with mercury or similar substances are prohibited.

As this is a shoeing-related prohibition, the minimum penalty for a shoeing violation should be assessed when a horse is found to be in violation of paragraph (b)(19). This document corrects the error by amending paragraph (c)(6) of § 11.25 to refer to both paragraphs (b)(18) and (b)(19) as shoeing violations for which the minimum penalty must be assessed.

List of Subjects in 9 CFR Part 11

Animal welfare, Horses, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 11 is corrected by making the following correcting amendment:

PART 11—HORSE PROTECTION REGULATIONS

■ 1. The authority citation for part 11 continues to read as follows:

> **Authority:** 15 U.S.C. 1823–1825 and 1828; 7 CFR 2.22, 2.80, and 371.7.

■ 2. In § 11.25, paragraph (c)(6) is revised to read as follows:

§ 11.25 Minimum penalties to be assessed and enforced by HIOs that license DQPs.

* * * * *

(c) * * *

(6) *Shoeing violation.* Violation of the shoeing-related prohibitions in § 11.2(b)(18) and (b)(19). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.

* * * * *

Done in Washington, DC, this 13th day of January 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–00880 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Part 652

RIN 3052–AC80

Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Capital Planning

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA or we) adopted a final rule that amends regulations governing operational and strategic planning of the Federal Agricultural Mortgage Corporation (Farmer Mac). Among other things, the final rule requires Farmer Mac to submit a capital plan to the Office of Secondary Market Oversight (OSMO) on an annual basis and requires Farmer Mac to notify OSMO under certain circumstances before making a capital distribution. The final rule revised the current capital adequacy planning requirements to place more emphasis on the quality and level of Farmer Mac's capital base and promote best practices for capital adequacy planning and stress testing. In accordance with the law, the effective date of the rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session.

DATES: Under the authority of 12 U.S.C. 2252, the regulation amending 12 CFR part 652 published on October 31, 2013 (78 FR 65145) is effective January 3, 2014.

FOR FURTHER INFORMATION CONTACT: Joseph T. Connor, Associate Director for Policy and Analysis, Office of Secondary Market Oversight, Farm Credit Administration, McLean, VA

22102–5090, (703) 883–4280, TTY (703) 883–4056;
or
Rebecca S. Orlich, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration (FCA or we) adopted a final rule that amends regulations governing operational and strategic planning of the Federal Agricultural Mortgage Corporation (Farmer Mac). Among other things, the final rule requires Farmer Mac to submit a capital plan to the Office of Secondary Market Oversight (OSMO) on an annual basis and requires Farmer Mac to notify OSMO under certain circumstances before making a capital distribution. The final rule revised the current capital adequacy planning requirements to place more emphasis on the quality and level of Farmer Mac's capital base and promote best practices for capital adequacy planning and stress testing. In accordance with 12 U.S.C. 2252, the effective date of the interim rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is January 3, 2014.

(12 U.S.C. 2252(a)(9) and (10))

Dated: January 13, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–00892 Filed 1–16–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30936; Amdt. No. 3571]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective January 17, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 17, 2014.

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

For Examination—

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

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

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

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

The Rule

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

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between

these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on December 20, 2013.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 6 FEBRUARY 2014

Bettles, AK, Bettles, RNAV (GPS) RWY 19, Orig-A
Deadhorse, AK, Deadhorse, RNAV (GPS) RWY 6, Orig, CANCELED
Deadhorse, AK, Deadhorse, RNAV (GPS) RWY 24, Orig, CANCELED
Klawock, AK, Klawock, RNAV (GPS) RWY 2, Orig-A
Bakersfield, CA, Bakersfield Muni, Takeoff Minimums and Obstacle DP, Amdt 2
Santa Monica, CA, Santa Monica Muni, VOR–A, Amdt 11
Santa Rosa, CA, Charles M. Schulz—Sonoma County, RNAV (GPS) RWY 2, Orig
Santa Rosa, CA, Charles M. Schulz—Sonoma County, Takeoff Minimums and Obstacle DP, Amdt 6
Hailey, ID, Friedman Memorial, NDB/DME–A, Amdt 1
Minneapolis, MN, Flying Cloud, RNAV (GPS) RWY 36, Amdt 2
Minneapolis, MN, Flying Cloud, Takeoff Minimums and Obstacle DP, Amdt 6
Minneapolis, MN, Flying Cloud, VOR/DME RWY 36, Amdt 1
Chillicothe, MO, Chillicothe Muni, NDB RWY 14, Amdt 8, CANCELED
Dillon, MT, Dillon, RNAV (GPS) RWY 17, Amdt 1
Ennis, MT, Ennis—Big Sky, ENNIS ONE, Graphic DP
Ennis, MT, Ennis—Big Sky, RNAV (GPS) RWY 16, Orig
Ennis, MT, Ennis—Big Sky, Takeoff Minimums and Obstacle DP, Orig
Omaha, NE., Eppley Airfield, ILS OR LOC/DME RWY 14R, ILS RWY 14R (SA CAT I), ILS RWY 14R (CAT II), ILS RWY 14R (CAT III), Amdt 5
Omaha, NE., Eppley Airfield, ILS OR LOC/DME RWY 18, Amdt 9
Mc Minnville, OR, Mc Minnville Muni, RNAV (GPS) RWY 4, Orig-A
Philip, SD, Philip, RNAV (GPS) RWY 12, Orig
Philip, SD, Philip, RNAV (GPS) RWY 30, Orig
Philip, SD, Philip, Takeoff Minimums and Obstacle DP, Orig
Philip, SD, Philip, VOR–A, Amdt 12
Sioux Falls, SD, Joe Foss Field, RNAV (GPS) RWY 15, Amdt 1
Sioux Falls, SD, Joe Foss Field, RNAV (GPS) RWY 33, Amdt 1
Houston, TX, David Wayne Hooks Memorial, LOC RWY 17R, Amdt 3
Houston, TX, David Wayne Hooks Memorial, RNAV (GPS) RWY 17R, Amdt 1B
Houston, TX, David Wayne Hooks Memorial, RNAV (GPS) RWY 35L, Amdt 1A
Waco, TX, Waco Rgnl, RNAV (GPS) RWY 32, Orig-C

Effective 6 MARCH 2014

Casa Grande, AZ, Casa Grande Muni, GPS RWY 23, Orig-B, CANCELED
Polson, MT, Polson, Takeoff Minimums and Obstacle DP, Orig-A

[FR Doc. 2014–00526 Filed 1–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30937; Amdt. No. 3572]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective January 17, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 17, 2014.

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

For Examination—

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

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

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

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

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov*

to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

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

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

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

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

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

The Rule

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

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on December 20, 2013.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

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

* * * *Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
2/6/2014	WA	Tacoma	Tacoma Narrows	3/0075	11/05/13	ILS RWY 17, Amdt 8A.
2/6/2014	WA	Tacoma	Tacoma Narrows	3/0076	11/04/13	RNAV (GPS) RWY 17, Orig.
2/6/2014	AK	Soldotna	Soldotna	3/0685	12/16/13	NDB RWY 25, Amdt 3A.
2/6/2014	AK	Soldotna	Soldotna	3/0694	12/16/13	NDB RWY 7, Amdt 2B.
2/6/2014	AK	Soldotna	Soldotna	3/0695	12/16/13	VOR/DME A, Amdt 7D.
2/6/2014	AK	Soldotna	Soldotna	3/0697	12/16/13	RNAV (GPS) RWY 7, Orig-B.
2/6/2014	WY	Gillette	Gillette-Campbell County.	3/1371	11/04/13	Takeoff Minimums and (Obstacle) DP, Amdt 4A.
2/6/2014	OR	Baker City	Baker City Muni	3/1923	12/12/13	VOR/DME RWY 13, Amdt 11C.
2/6/2014	OR	Baker City	Baker City Muni	3/1925	12/12/13	RNAV (GPS) RWY 13, Amdt 1A.
2/6/2014	NC	Charlotte	Charlotte/Douglas Intl	3/2244	12/12/13	ILS OR LOC RWY 36R, ILS RWY 36R (CAT II & III), Amdt 11A.
2/6/2014	WA	Seattle	Seattle-Tacoma Intl	3/3025	12/11/13	RNAV (GPS) Y RWY 34C, Amdt 2.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
2/6/2014	AK	Yakutat	Yakutat	3/3345	12/13/13	RNAV (GPS) RWY 29, Amdt 4.
2/6/2014	AK	Yakutat	Yakutat	3/3348	12/13/13	LOC/DME BC RWY 29, Amdt 7.
2/6/2014	AK	Yakutat	Yakutat	3/3349	12/13/13	VOR/DME RWY 29, Amdt 4.
2/6/2014	CA	San Andreas	Calaveras Co-Maury Rasmussen Field.	3/3586	11/04/13	Takeoff Minimums and (Obstacle) DP, Orig-A.
2/6/2014	GA	Thomaston	Thomaston-Upson County.	3/3988	12/16/13	ILS OR LOC RWY 30, Amdt 2.
2/6/2014	CA	Monterey	Monterey Rgnl	3/4047	12/16/13	RNAV (GPS) Y RWY 28L, Orig-A.
2/6/2014	CA	Monterey	Monterey Rgnl	3/4050	12/16/13	LOC/DME RWY 28L, Amdt 3G.
2/6/2014	CA	Visalia	Visalia Muni	3/4052	11/04/13	VOR RWY 12, Amdt 6.
2/6/2014	CA	Visalia	Visalia Muni	3/4055	10/15/13	RNAV (GPS) RWY 12, Amdt 1.
2/6/2014	CA	Burbank	Bob Hope	3/4078	12/13/13	VOR RWY 8, Amdt 11.
2/6/2014	CA	Burbank	Bob Hope	3/4082	12/13/13	GPS A, Orig.
2/6/2014	WA	Renton	Renton Muni	3/4269	10/15/13	NDB RWY 16, Amdt 7.
2/6/2014	AK	Savoonga	Savoonga	3/4287	12/16/13	RNAV (GPS) RWY 23, Amdt 1B.
2/6/2014	AK	Savoonga	Savoonga	3/4289	12/16/13	RNAV (GPS) RWY 5, Amdt 1A.
2/6/2014	AK	Juneau	Juneau Intl	3/4315	12/13/13	LDA X RWY 8, Amdt 12.
2/6/2014	CA	Stockton	Stockton Metropolitan	3/4773	10/15/13	VOR RWY 29R, Amdt 18C.
2/6/2014	UT	Brigham City	Brigham City	3/4775	11/04/13	RNAV (GPS) RWY 35, Amdt 2.
2/6/2014	OR	John Day	Grant Co Rgnl/Ogilvie Field.	3/4783	12/13/13	RNAV (GPS) Y RWY 9, Orig-B.
2/6/2014	OR	John Day	Grant Co Rgnl/Ogilvie Field.	3/4784	12/13/13	RNAV (GPS) Z RWY 9, Orig-B.
2/6/2014	AK	Klawock	Klawock	3/5260	11/04/13	NDB/DME RWY 2, Amdt 1.
2/6/2014	MT	Baker	Baker Muni	3/5837	12/16/13	Takeoff Minimums and (Obstacle) DP, Orig.
2/6/2014	WA	Pasco	Tri-Cities	3/6570	11/04/13	RNAV (RNP) Z RWY 30, Orig.
2/6/2014	WA	Pasco	Tri-Cities	3/6571	10/16/13	RNAV (RNP) Z RWY 3L, Orig.
2/6/2014	WA	Pasco	Tri-Cities	3/6573	11/01/13	RNAV (GPS) Y RWY 3L, Amdt 1A.
2/6/2014	WA	Moses Lake	Grant Co Intl	3/7293	12/13/13	ILS OR LOC RWY 32R, Amdt 20B.
2/6/2014	WY	Sheridan	Sheridan County	3/7385	12/16/13	VOR RWY 14, Amdt 1.
2/6/2014	WY	Sheridan	Sheridan County	3/7386	12/16/13	RNAV (GPS) RWY 32, Orig.
2/6/2014	WY	Sheridan	Sheridan County	3/7387	12/16/13	ILS OR LOC/DME RWY 32, Amdt 1.
2/6/2014	WY	Sheridan	Sheridan County	3/7388	12/16/13	RNAV (GPS) RWY 14, Orig.
2/6/2014	AK	Huslia	Huslia	3/7468	11/04/13	RNAV (GPS) RWY 3, Amdt 2A.
2/6/2014	AK	Huslia	Huslia	3/7473	10/16/13	RNAV (GPS) RWY 21, Amdt 2.
2/6/2014	AK	Huslia	Huslia	3/7474	10/15/13	VOR/DME RWY 3, Orig-A.
2/6/2014	AK	Dillingham	Dillingham	3/8753	11/04/13	RNAV (GPS) RWY 19, Amdt 2A.
2/6/2014	CA	Oakland	Metropolitan Oakland Intl.	3/9118	12/16/13	RNAV (GPS) Y RWY 12, Amdt 2.
2/6/2014	CA	Oakland	Metropolitan Oakland Intl.	3/9122	12/16/13	RNAV (RNP) Z RWY 12, Amdt 1.
2/6/2014	WA	Ellensburg	Bowers Field	3/9337	11/01/13	Takeoff Minimums and (Obstacle) DP, Amdt 2.
2/6/2014	AK	Gustavus	Gustavus	3/9892	12/13/13	VOR/DME RWY 29, Amdt 2.

[FR Doc. 2014–00525 Filed 1–16–14; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM11–6–000]

Annual Update to Fee Schedule for the Use of Government Lands by Hydropower Licensees

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule; annual update to fee schedule.

SUMMARY: In accordance with the Commission's regulations, the Commission, by its designee, the Executive Director, issues this notice of the annual update to the fee schedule in Appendix A to Part 11, which lists per-acre rental fees by county (or other geographic area) for use of government lands by hydropower licensees.

DATES: This rule is effective January 17, 2014 and updates Appendix A to Part 11 with the fee schedule of per-acre rental fees by county (or other geographic area) from October 1, 2013, through September 30, 2014 (Fiscal Year 2014).

FOR FURTHER INFORMATION CONTACT: Norman Richardson, Financial Management Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6219, *Norman.Richardson@ferc.gov.*

SUPPLEMENTARY INFORMATION:

146 FERC ¶ 62,015

UNITED STATES OF AMERICA

Federal Energy Regulatory Commission

Annual Charges for the Use of Government Lands Docket No.RM11–6–000

Annual Update to Fee Schedule

Issued January 8, 2014.

Section 11.2 of the Commission's regulations provides a method for

computing reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands by hydropower licensees.[1] Annual charges for the use of government lands are payable in advance, and are based on an annual schedule of per-acre rental fees published in Appendix A to Part 11 of the Commission's regulations.[2] This notice updates the fee schedule in Appendix A to Part 11 for fiscal year 2014 (October 1, 2013, through September 30, 2014).

Effective Date

This Final Rule is effective January 17, 2014. The provisions of 5 U.S.C. 804, regarding Congressional review of final rules, do not apply to this Final Rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. This Final Rule merely updates the fee schedule published in the Code of Federal Regulations to reflect scheduled adjustments, as provided for in section 11.2 of the Commission's regulations.

List of Subjects in 18 CFR Part 11

Public lands.

By the Executive Director.

Anton C. Porter,

Executive Director, Office of the Executive Director.

In consideration of the foregoing, the Commission amends Appendix A to Part 11, Chapter I, Title 18, *Code of Federal Regulations,* as follows.

PART 11—[AMENDED]

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 16 U.S.C. 792–828c; 42 U.S.C. 7101–7352.

■ 2. Appendix A to Part 11 is revised to read as follows:

Appendix A to Part 11—FEE Schedule for FY 2014

State	County	Fee/acre/yr
Alabama	Autauga	$54.07
	Baldwin	90.82
	Barbour	48.91
	Bibb	62.32
	Blount	88.90
	Bullock	56.13
	Butler	59.21
	Calhoun	88.21
	Chambers	50.24
	Cherokee	60.43
	Chilton	77.10
	Choctaw	47.74
	Clarke	45.57
	Clay	65.10
	Cleburne	85.43
	Coffee	60.29
	Colbert	59.93
	Conecuh	50.93
	Coosa	57.96
	Covington	62.24
	Crenshaw	59.18
	Cullman	103.29
	Dale	58.60
	Dallas	45.80
	DeKalb	96.15
	Elmore	72.38
	Escambia	58.52
	Etowah	83.57
	Fayette	47.21
	Franklin	58.66
	Geneva	57.38
	Greene	42.94
	Hale	50.80
	Henry	50.43
	Houston	59.02
	Jackson	58.54
	Jefferson	95.40
	Lamar	39.58
	Lauderdale	64.68
	Lawrence	72.29
	Lee	83.65
	Limestone	73.85
	Lowndes	45.30
	Macon	52.27
	Madison	74.35
	Marengo	46.55
	Marion	55.91
	Marshall	102.95
	Mobile	88.79
	Monroe	49.77
	Montgomery	54.10
	Morgan	79.46
	Perry	44.41
	Pickens	52.10
	Pike	60.21
	Randolph	67.29
	Russell	60.71
	St. Clair	97.93
	Shelby	103.04
	Sumter	40.05
	Talladega	64.57
	Tallapoosa	68.76
	Tuscaloosa	68.60
	Walker	69.79
	Washington	58.71
	Wilcox	38.38
	Winston	71.88
Alaska	Aleutian Islands Area**	1.55
	Anchorage Area**	87.03
	Fairbanks Area**	19.12
	Juneau Area**	1,341.85
	Kenai **Peninsula**	32.66
	All Areas	9.62
Arizona	Apache	2.61
	Cochise	25.61
	Coconino	2.65
	Gila	5.10
	Graham	7.40
	Greenlee	31.46
	La Paz	14.57
	Maricopa	114.11
	Mohave	7.57
	Navajo	3.71
	Pima	5.99
	Pinal	48.85
	Santa Cruz	30.76
	Yavapai	23.89
	Yuma	112.27
Arkansas	Arkansas	51.16
	Ashley	56.21
	Baxter	67.19
	Benton	120.07
	Boone	66.50
	Bradley	70.67
	Calhoun	53.34
	Carroll	62.26
	Chicot	43.27
	Clark	51.14
	Clay	54.67
	Cleburne	69.32
	Cleveland	86.79
	Columbia	60.35
	Conway	62.16
	Craighead	59.89
	Crawford	79.59
	Crittenden	52.66
	Cross	48.98
	Dallas	41.63
	Desha	46.75
	Drew	48.10
	Faulkner	74.56
	Franklin	59.40
	Fulton	43.59
	Garland	89.73
	Grant	70.35
	Greene	61.16
	Hempstead	51.46
	Hot Spring	65.72
	Howard	64.17
	Independence	52.88
	Izard	44.60
	Jackson	49.55
	Jefferson	51.80
	Johnson	62.53
	Lafayette	47.10
	Lawrence	52.93
	Lee	49.20
	Lincoln	53.27
	Little River	43.62
	Logan	62.83
	Lonoke	52.78
	Madison	73.07
	Marion	48.30
	Miller	45.82
	Mississippi	54.96
	Monroe	49.15
	Montgomery	70.37
	Nevada	50.72
	Newton	57.58
	Ouachita	56.31
	Perry	60.25
	Phillips	44.30
	Pike	56.38
	Poinsett	54.91
	Polk	71.79
	Pope	70.94
	Prairie	45.45
	Pulaski	60.23
	Randolph	47.73
	St. Francis	49.69
	Saline	76.33
	Scott	61.06
	Searcy	43.89
	Sebastian	74.59
	Sevier	59.35
	Sharp	45.58
	Stone	49.74
	Union	83.75
	Van Buren	60.13
	Washington	101.22
	White	60.87
	Woodruff	49.37
	Yell	61.04
California	Alameda	29.96
	Alpine	52.93
	Amador	36.81
	Butte	58.05
	Calaveras	28.32
	Colusa	30.74
	Contra Costa	51.03
	Del Norte	52.54
	El Dorado	78.50
	Fresno	61.24
	Glenn	37.26
	Humboldt	18.99
	Imperial	40.87
	Inyo	7.35

[1] *Annual Charges for the Use of Government Lands,* Order No. 774, 78 FR 5256 (January 25, 2013), FERC Stats. & Regs. ¶ 31,341 (2013).

[2] 18 CFR Part 11 (2013).

State	County	Fee/acre/yr
	Kern	35.74
	Kings	42.22
	Lake	70.94
	Lassen	10.69
	Los Angeles	108.37
	Madera	52.41
	Marin	39.06
	Mariposa	12.74
	Mendocino	41.04
	Merced	55.71
	Modoc	11.27
	Mono	23.86
	Monterey	35.89
	Napa	209.55
	Nevada	56.64
	Orange	93.45
	Placer	78.71
	Plumas	14.15
	Riverside	121.80
	Sacramento	51.93
	San Benito	21.53
	San Bernardino	24.47
	San Diego	148.70
	San Francisco	3,531.93
	San Joaquin	78.56
	San Luis Obispo	35.12
	San Mateo	72.16
	Santa Barbara	54.71
	Santa Clara	44.19
	Santa Cruz	173.24
	Shasta	24.40
	Sierra	20.16
	Siskiyou	19.32
	Solano	38.12
	Sonoma	122.74
	Stanislaus	73.21
	Sutter	50.68
	Tehama	24.60
	Trinity	9.61
	Tulare	63.86
	Tuolumne	26.25
	Ventura	176.02
	Yolo	42.18
	Yuba	45.82
Colorado	Adams	22.43
	Alamosa	29.88
	Arapahoe	28.92
	Archuleta	31.33
	Baca	12.28
	Bent	9.77
	Boulder	60.17
	Broomfield*	31.25
	Chaffee	39.87
	Cheyenne	12.18
	Clear Creek	23.69
	Conejos	23.58
	Costilla	15.37
	Crowley	9.53
	Custer	30.95
	Delta	54.61
	Denver*	19.73
	Dolores	19.92
	Douglas	60.68
	Eagle	21.56
	Elbert	19.14
	El Paso	25.20
	Fremont	29.35
	Garfield	34.16
	Gilpin	24.14
	Grand	28.54
	Gunnison	33.76
	Hinsdale	51.91
	Huerfano	12.60
	Jackson	18.41
	Jefferson	64.22
	Kiowa	10.24
	Kit Carson	14.67
	Lake	32.20
	La Plata	26.12
	Larimer	47.04
	Las Animas	8.66
	Lincoln	10.86
	Logan	16.41
	Mesa	62.90
	Mineral	33.25
	Moffat	13.62
	Montezuma	17.37
	Montrose	44.99
	Morgan	20.62
	Otero	11.30
	Ouray	27.22
	Park	16.09
	Phillips	21.07
	Pitkin	47.91
	Prowers	13.01
	Pueblo	12.64
	Rio Blanco	18.11
	Rio Grande	41.84
	Routt	25.75
	Saguache	24.63
	San Juan*	19.73
	San Miguel	27.12
	Sedgwick	18.11
	Summit	29.14
	Teller	24.03
	Washington	13.73
	Weld	29.24
	Yuma	19.71
Connecticut	Fairfield	382.65
	Hartford	386.50
	Litchfield	333.13
	Middlesex	454.72
	New Haven	351.12
	New London	314.75
	Tolland	317.81
	Windham	242.15
Delaware	Kent	272.15
	New Castle	326.06
	Sussex	280.60
Florida	Alachua	136.36
	Baker	119.79
	Bay	143.75
	Bradford	129.27
	Brevard	73.80
	Broward	498.18
	Calhoun	82.08
	Charlotte	60.77
	Citrus	143.69
	Clay	98.92
	Collier	112.01
	Columbia	132.42
	DeSoto	104.19
	Dixie	69.33
	Duval	166.13
	Escambia	88.95
	Flagler	74.60
	Franklin	48.11
	Gadsden	103.61
	Gilchrist	126.05
	Glades	98.47
	Gulf	89.10
	Hamilton	90.73
	Hardee	114.33
	Hendry	63.67
	Hernando	183.53
	Highlands	77.08
	Hillsborough	191.05
	Holmes	79.65
	Indian River	98.34
	Jackson	69.65
	Jefferson	84.52
	Lafayette	71.13
	Lake	197.73
	Lee	202.83
	Leon	71.68
	Levy	97.66
	Liberty	34.85
	Madison	85.46
	Manatee	116.36
	Marion	178.45
	Martin	113.69
	Dade	518.37
	Monroe	494.79
	Nassau	118.96
	Okaloosa	101.43
	Okeechobee	86.30
	Orange	123.26
	Osceola	47.96
	Palm Beach	77.13
	Pasco	144.22
	Pinellas	462.43
	Polk	133.94
	Putnam	99.76
	St. Johns	164.90
	St. Lucie	115.31
	Santa Rosa	108.41
	Sarasota	143.22
	Seminole	159.33
	Sumter	108.43
	Suwannee	115.87
	Taylor	88.03
	Union	86.32
	Volusia	185.26
	Wakulla	59.28
	Walton	84.76
	Washington	83.68
Georgia	Appling	71.17
	Atkinson	74.83
	Bacon	71.44
	Baker	67.46
	Baldwin	64.01
	Banks	169.26
	Barrow	167.54
	Bartow	122.11
	Ben Hill	59.44
	Berrien	74.23
	Bibb	101.08
	Bleckley	69.31
	Brantley	72.35
	Brooks	77.08
	Bryan	51.37
	Bulloch	70.55
	Burke	65.63
	Butts	95.37
	Calhoun	53.47
	Camden	47.55
	Candler	72.75
	Carroll	142.90
	Catoosa	150.32
	Charlton	56.99
	Chatham	122.92
	Chattahoochee	65.33
	Chattooga	88.25
	Cherokee	242.55
	Clarke	131.52
	Clay	67.21
	Clayton	157.16
	Clinch	72.67
	Cobb	153.12
	Coffee	67.16
	Colquitt	78.35
	Columbia	105.68
	Cook	78.00
	Coweta	99.36
	Crawford	79.34
	Crisp	60.41
	Dade	85.45
	Dawson	185.77
	Decatur	71.52
	DeKalb	274.56
	Dodge	53.98
	Dooly	56.21
	Dougherty	68.94
	Douglas	195.27
	Early	64.50
	Echols	87.14
	Effingham	86.01
	Elbert	93.01
	Emanuel	58.45
	Evans	65.14
	Fannin	146.21
	Fayette	179.91
	Floyd	99.38
	Forsyth	224.42
	Franklin	173.43
	Fulton	149.22
	Gilmer	203.07
	Glascock	57.85
	Glynn	95.72

State	County	Fee/acre/yr
	Gordon	144.62
	Grady	80.39
	Greene	106.72
	Gwinnett	258.58
	Habersham	187.98
	Hall	199.73
	Hancock	67.70
	Haralson	110.71
	Harris	89.65
	Hart	153.95
	Heard	111.49
	Henry	161.11
	Houston	99.30
	Irwin	60.49
	Jackson	166.25
	Jasper	103.15
	Jeff Davis	59.93
	Jefferson	57.77
	Jenkins	51.51
	Johnson	52.91
	Jones	95.72
	Lamar	112.02
	Lanier	63.80
	Laurens	56.99
	Lee	67.29
	Liberty	54.65
	Lincoln	78.99
	Long	59.12
	Lowndes	99.57
	Lumpkin	176.14
	McDuffie	76.63
	McIntosh	63.02
	Macon	75.96
	Madison	135.67
	Marion	67.51
	Meriwether	97.82
	Miller	71.73
	Mitchell	70.33
	Monroe	87.25
	Montgomery	66.62
	Morgan	138.76
	Murray	108.15
	Muscogee	87.44
	Newton	115.39
	Oconee	147.12
	Oglethorpe	98.47
	Paulding	177.76
	Peach	100.54
	Pickens	177.60
	Pierce	76.79
	Pike	112.21
	Polk	114.07
	Pulaski	71.30
	Putnam	111.59
	Quitman	68.75
	Rabun	145.78
	Randolph	57.72
	Richmond	109.82
	Rockdale	147.77
	Schley	81.09
	Screven	63.37
	Seminole	61.22
	Spalding	145.19
	Stephens	137.41
	Stewart	66.08
	Sumter	62.96
	Talbot	56.81
	Taliaferro	70.44
	Tattnall	74.93
	Taylor	57.72
	Telfair	60.79
	Terrell	63.93
	Thomas	73.29
	Tift	69.45
	Toombs	57.59
	Towns	169.96
	Treutlen	59.71
	Troup	102.85
	Turner	66.68
	Twiggs	68.83
	Union	159.79
	Upson	85.34
	Walker	115.68
	Walton	156.97
	Ware	82.17
	Warren	67.27
	Washington	59.63
	Wayne	77.89
	Webster	60.95
	Wheeler	57.56
	White	193.65
	Whitfield	125.87
	Wilcox	60.11
	Wilkes	70.63
	Wilkinson	59.98
	Worth	65.17
Hawaii	Hawaii	146.24
	Honolulu	372.32
	Kauai	130.70
	Maui	172.60
Idaho	Ada	52.22
	Adams	16.74
	Bannock	18.69
	Bear Lake	16.22
	Benewah	20.20
	Bingham	21.61
	Blaine	20.03
	Boise	18.63
	Bonner	52.80
	Bonneville	25.20
	Boundary	47.42
	Butte	18.62
	Camas	15.23
	Canyon	76.13
	Caribou	13.41
	Cassia	20.69
	Clark	10.91
	Clearwater	25.76
	Custer	29.34
	Elmore	17.14
	Franklin	25.82
	Fremont	23.42
	Gem	28.08
	Gooding	49.50
	Idaho	17.52
	Jefferson	25.83
	Jerome	42.77
	Kootenai	50.45
	Latah	25.83
	Lemhi	19.72
	Lewis	18.77
	Lincoln	26.69
	Madison	33.99
	Minidoka	30.12
	Nez Perce	18.24
	Oneida	14.59
	Owyhee	17.01
	Payette	34.92
	Power	12.97
	Shoshone	72.62
	Teton	45.45
	Twin Falls	30.83
	Valley	40.97
	Washington	12.16
Illinois	Adams	99.27
	Alexander	87.55
	Bond	96.41
	Boone	139.89
	Brown	86.34
	Bureau	114.56
	Calhoun	87.98
	Carroll	104.06
	Cass	100.74
	Champaign	123.16
	Christian	118.29
	Clark	91.54
	Clay	83.14
	Clinton	107.79
	Coles	109.66
	Cook	295.01
	Crawford	92.79
	Cumberland	99.72
	DeKalb	131.14
	De Witt	118.04
	Douglas	119.06
	DuPage	212.55
	Edgar	108.22
	Edwards	78.89
	Effingham	102.19
	Fayette	83.39
	Ford	112.52
	Franklin	71.76
	Fulton	99.72
	Gallatin	84.13
	Greene	102.70
	Grundy	117.56
	Hamilton	84.95
	Hancock	94.09
	Hardin	64.88
	Henderson	97.63
	Henry	111.81
	Iroquois	114.13
	Jackson	79.20
	Jasper	93.67
	Jefferson	80.22
	Jersey	103.60
	Jo Daviess	113.31
	Johnson	66.35
	Kane	137.57
	Kankakee	122.57
	Kendall	122.51
	Knox	113.79
	Lake	179.07
	La Salle	118.92
	Lawrence	92.79
	Lee	122.09
	Livingston	117.22
	Logan	118.97
	McDonough	109.91
	McHenry	142.64
	McLean	118.35
	Macon	126.28
	Macoupin	108.53
	Madison	117.13
	Marion	88.35
	Marshall	114.47
	Mason	93.41
	Massac	71.67
	Menard	108.50
	Mercer	104.37
	Monroe	100.66
	Montgomery	107.93
	Morgan	111.36
	Moultrie	119.68
	Ogle	128.37
	Peoria	109.97
	Perry	79.37
	Piatt	123.64
	Pike	99.53
	Pope	64.34
	Pulaski	83.70
	Putnam	111.44
	Randolph	91.03
	Richland	87.01
	Rock Island	115.94
	St. Clair	107.54
	Saline	81.81
	Sangamon	110.14
	Schuyler	92.28
	Scott	102.02
	Shelby	100.49
	Stark	116.68
	Stephenson	109.46
	Tazewell	114.25
	Union	75.01
	Vermilion	111.81
	Wabash	91.74
	Warren	115.77
	Washington	95.51
	Wayne	76.34
	White	80.39
	Whiteside	108.13
	Will	159.62
	Williamson	80.22
	Winnebago	124.86
	Woodford	119.96
Indiana	Adams	122.69
	Allen	113.78
	Bartholomew	107.39

State	County	Fee/acre/yr
	Benton	95.69
	Blackford	77.53
	Boone	110.50
	Brown	121.59
	Carroll	116.55
	Cass	101.06
	Clark	101.20
	Clay	89.21
	Clinton	116.95
	Crawford	82.11
	Daviess	102.87
	Dearborn	108.67
	Decatur	100.75
	DeKalb	102.53
	Delaware	99.48
	Dubois	91.42
	Elkhart	156.88
	Fayette	92.49
	Floyd	130.98
	Fountain	97.55
	Franklin	103.94
	Fulton	94.81
	Gibson	89.07
	Grant	96.62
	Greene	82.20
	Hamilton	128.52
	Hancock	115.93
	Harrison	91.90
	Hendricks	116.33
	Henry	97.58
	Howard	117.29
	Huntington	97.92
	Jackson	84.97
	Jasper	94.56
	Jay	112.40
	Jefferson	96.28
	Jennings	90.17
	Johnson	125.91
	Knox	97.75
	Kosciusko	105.47
	LaGrange	144.01
	Lake	112.00
	LaPorte	103.35
	Lawrence	79.26
	Madison	105.64
	Marion	166.07
	Marshall	100.55
	Martin	91.36
	Miami	94.78
	Monroe	102.95
	Montgomery	106.18
	Morgan	110.47
	Newton	102.05
	Noble	104.51
	Ohio	100.97
	Orange	82.20
	Owen	90.79
	Parke	87.57
	Perry	75.38
	Pike	78.81
	Porter	117.66
	Posey	86.16
	Pulaski	87.74
	Putnam	101.71
	Randolph	89.10
	Ripley	98.37
	Rush	104.03
	St. Joseph	103.21
	Scott	87.32
	Shelby	107.28
	Spencer	86.24
	Starke	85.82
	Steuben	110.79
	Sullivan	84.74
	Switzerland	99.56
	Tippecanoe	111.52
	Tipton	116.50
	Union	106.21
	Vanderburgh	97.02
	Vermillion	89.89
	Vigo	86.89
	Wabash	101.17
	Warren	99.87
	Warrick	86.33
	Washington	79.85
	Wayne	92.55
	Wells	97.95
	White	108.44
	Whitley	108.01
Iowa	Adair	76.87
	Adams	72.41
	Allamakee	79.00
	Appanoose	61.24
	Audubon	98.40
	Benton	102.37
	Black Hawk	110.59
	Boone	106.57
	Bremer	112.27
	Buchanan	106.93
	Buena Vista	108.61
	Butler	99.59
	Calhoun	108.10
	Carroll	104.41
	Cass	87.08
	Cedar	104.33
	Cerro Gordo	101.77
	Cherokee	107.67
	Chickasaw	102.77
	Clarke	65.61
	Clay	102.40
	Clayton	88.16
	Clinton	96.61
	Crawford	88.36
	Dallas	94.82
	Davis	66.57
	Decatur	58.43
	Delaware	107.81
	Des Moines	93.23
	Dickinson	100.35
	Dubuque	96.30
	Emmet	101.94
	Fayette	95.70
	Floyd	105.74
	Franklin	103.30
	Fremont	86.82
	Greene	108.04
	Grundy	111.33
	Guthrie	84.95
	Hamilton	111.93
	Hancock	101.40
	Hardin	107.36
	Harrison	84.13
	Henry	86.65
	Howard	86.54
	Humboldt	106.40
	Ida	91.19
	Iowa	87.39
	Jackson	80.53
	Jasper	97.94
	Jefferson	80.73
	Johnson	106.40
	Jones	99.16
	Keokuk	84.36
	Kossuth	102.20
	Lee	76.87
	Linn	106.71
	Louisa	90.51
	Lucas	61.66
	Lyon	119.19
	Madison	83.82
	Mahaska	87.02
	Marion	82.68
	Marshall	105.63
	Mills	94.54
	Mitchell	101.60
	Monona	89.97
	Monroe	64.10
	Montgomery	82.80
	Muscatine	100.64
	O'Brien	119.27
	Osceola	110.03
	Page	76.98
	Palo Alto	102.62
	Plymouth	102.91
	Pocahontas	104.47
	Polk	109.09
	Pottawattamie	102.96
	Poweshiek	94.20
	Ringgold	64.47
	Sac	109.40
	Scott	119.30
	Shelby	91.14
	Sioux	128.61
	Story	100.95
	Tama	98.28
	Taylor	70.54
	Union	71.42
	Van Buren	70.29
	Wapello	87.53
	Warren	88.78
	Washington	104.61
	Wayne	63.51
	Webster	102.54
	Winnebago	95.05
	Winneshiek	92.19
	Woodbury	84.56
	Worth	100.44
	Wright	110.91
Kansas	Allen	28.20
	Anderson	28.59
	Atchison	38.22
	Barber	18.16
	Barton	23.61
	Bourbon	31.36
	Brown	47.70
	Butler	30.52
	Chase	27.11
	Chautauqua	24.68
	Cherokee	34.75
	Cheyenne	17.23
	Clark	17.68
	Clay	32.65
	Cloud	28.40
	Coffey	27.33
	Comanche	14.88
	Cowley	26.77
	Crawford	30.19
	Decatur	18.38
	Dickinson	29.68
	Doniphan	47.92
	Douglas	53.83
	Edwards	24.54
	Elk	27.47
	Ellis	21.65
	Ellsworth	21.12
	Finney	21.91
	Ford	19.92
	Franklin	46.25
	Geary	35.11
	Gove	16.84
	Graham	17.29
	Grant	22.38
	Gray	23.84
	Greeley	19.78
	Greenwood	26.80
	Hamilton	18.77
	Harper	20.65
	Harvey	38.19
	Haskell	29.71
	Hodgeman	16.62
	Jackson	33.04
	Jefferson	44.96
	Jewell	23.14
	Johnson	56.07
	Kearny	19.28
	Kingman	23.47
	Kiowa	17.63
	Labette	28.70
	Lane	16.73
	Leavenworth	54.58
	Lincoln	21.99
	Linn	37.55
	Logan	17.07
	Lyon	27.33
	McPherson	31.50
	Marion	27.95
	Marshall	35.25
	Meade	19.81
	Miami	57.46

State	County	Fee/acre/yr
	Mitchell	25.79
	Montgomery	31.95
	Morris	24.56
	Morton	16.11
	Nemaha	39.42
	Neosho	29.68
	Ness	15.11
	Norton	19.19
	Osage	33.68
	Osborne	21.23
	Ottawa	23.14
	Pawnee	23.95
	Phillips	19.53
	Pottawatomie	33.38
	Pratt	25.04
	Rawlins	17.85
	Reno	28.34
	Republic	31.03
	Rice	25.07
	Riley	34.83
	Rooks	18.38
	Rush	19.58
	Russell	18.44
	Saline	30.08
	Scott	20.81
	Sedgwick	40.40
	Seward	20.34
	Shawnee	44.71
	Sheridan	21.68
	Sherman	21.15
	Smith	21.91
	Stafford	24.26
	Stanton	21.40
	Stevens	22.10
	Sumner	26.24
	Thomas	22.86
	Trego	17.29
	Wabaunsee	27.28
	Wallace	17.43
	Washington	28.93
	Wichita	18.72
	Wilson	26.89
	Woodson	25.99
	Wyandotte	68.01
Kentucky	Adair	69.64
	Allen	78.65
	Anderson	76.54
	Ballard	72.57
	Barren	78.43
	Bath	56.93
	Bell	54.59
	Boone	138.82
	Bourbon	132.54
	Boyd	73.33
	Boyle	91.17
	Bracken	57.86
	Breathitt	42.72
	Breckinridge	59.63
	Bullitt	106.70
	Butler	54.53
	Caldwell	55.80
	Calloway	79.50
	Campbell	110.05
	Carlisle	66.93
	Carroll	66.79
	Carter	50.11
	Casey	57.12
	Christian	72.71
	Clark	94.38
	Clay	52.81
	Clinton	64.73
	Crittenden	53.26
	Cumberland	51.01
	Daviess	85.22
	Edmonson	61.13
	Elliott	43.93
	Estill	56.33
	Fayette	185.83
	Fleming	55.57
	Floyd	65.47
	Franklin	91.53
	Fulton	63.72
	Gallatin	84.01
	Garrard	73.89
	Grant	79.44
	Graves	79.05
	Grayson	60.59
	Green	65.38
	Greenup	55.80
	Hancock	60.62
	Hardin	81.02
	Harlan	47.20
	Harrison	75.61
	Hart	67.92
	Henderson	78.57
	Henry	92.10
	Hickman	73.89
	Hopkins	61.63
	Jackson	51.52
	Jefferson	205.78
	Jessamine	132.37
	Johnson	60.14
	Kenton	125.46
	Knott	56.19
	Knox	61.80
	Larue	77.22
	Laurel	80.43
	Lawrence	41.37
	Lee	36.58
	Leslie	22.46
	Letcher	47.29
	Lewis	43.06
	Lincoln	67.02
	Livingston	55.35
	Logan	74.99
	Lyon	48.47
	McCracken	82.46
	McCreary	67.33
	McLean	84.88
	Madison	83.16
	Magoffin	47.37
	Marion	68.96
	Marshall	71.89
	Martin	23.48
	Mason	71.24
	Meade	82.99
	Menifee	53.01
	Mercer	96.41
	Metcalfe	65.75
	Monroe	65.49
	Montgomery	71.13
	Morgan	45.71
	Muhlenberg	55.71
	Nelson	91.70
	Nicholas	55.69
	Ohio	56.42
	Oldham	172.22
	Owen	64.23
	Owsley	42.02
	Pendleton	71.24
	Perry	34.33
	Pike	26.38
	Powell	54.28
	Pulaski	73.98
	Robertson	50.25
	Rockcastle	58.17
	Rowan	55.77
	Russell	87.36
	Scott	108.50
	Shelby	124.90
	Simpson	83.28
	Spencer	92.86
	Taylor	69.81
	Todd	80.54
	Trigg	72.79
	Trimble	71.81
	Union	72.79
	Warren	88.38
	Washington	69.47
	Wayne	57.60
	Webster	65.55
	Whitley	69.30
	Wolfe	49.77
	Woodford	196.37
Louisiana	Acadia	49.39
	Allen	50.81
	Ascension	92.82
	Assumption	68.63
	Avoyelles	47.52
	Beauregard	59.75
	Bienville	57.39
	Bossier	74.33
	Caddo	57.18
	Calcasieu	47.65
	Caldwell	50.52
	Cameron	47.71
	Catahoula	43.77
	Claiborne	69.73
	Concordia	46.61
	De Soto	53.51
	East Baton Rouge	107.91
	East Carroll	42.65
	East Feliciana	69.40
	Evangeline	47.33
	Franklin	46.45
	Grant	49.55
	Iberia	66.84
	Iberville	76.55
	Jackson	84.04
	Jefferson	55.38
	Jefferson Davis	47.30
	Lafayette	91.37
	Lafourche	65.10
	La Salle	62.02
	Lincoln	85.27
	Livingston	115.91
	Madison	43.00
	Morehouse	43.45
	Natchitoches	44.23
	Orleans	55.06
	Ouachita	59.88
	Plaquemines	33.74
	Pointe Coupee	52.76
	Rapides	67.08
	Red River	44.84
	Richland	42.89
	Sabine	79.33
	St. Bernard	31.46
	St. Charles	55.06
	St. Helena	81.45
	St. James	69.51
	St. John the Baptist	77.08
	St. Landry	52.60
	St. Martin	64.43
	St. Mary	59.91
	St. Tammany	144.46
	Tangipahoa	104.21
	Tensas	43.16
	Terrebonne	31.81
	Union	78.80
	Vermilion	53.51
	Vernon	83.37
	Washington	88.16
	Webster	68.60
	West Baton Rouge	80.16
	West Carroll	49.18
	West Feliciana	64.48
	Winn	57.85
Maine	Androscoggin	80.57
	Aroostook	31.11
	Cumberland	133.95
	Franklin	70.81
	Hancock	76.42
	Kennebec	73.29
	Knox	104.16
	Lincoln	103.60
	Oxford	74.42
	Penobscot	61.55
	Piscataquis	53.93
	Sagadahoc	100.12
	Somerset	50.72
	Waldo	61.04
	Washington	30.46
	York	126.76
Maryland	Allegany	122.04
	Anne Arundel	366.06
	Baltimore	255.31
	Calvert	237.12
	Caroline	152.76

State	County	Fee/acre/yr
	Carroll	218.49
	Cecil	213.19
	Charles	188.19
	Dorchester	135.73
	Frederick	231.33
	Garrett	160.55
	Harford	269.50
	Howard	366.28
	Kent	169.25
	Montgomery	266.15
	Prince George's	262.27
	Queen Anne's	160.41
	St. Mary's	201.80
	Somerset	175.80
	Talbot	171.03
	Washington	210.34
	Wicomico	160.60
	Worcester	122.18
Massachusetts	Barnstable	885.83
	Berkshire	218.44
	Bristol	397.77
	Dukes	376.20
	Essex	461.86
	Franklin	193.49
	Hampden	264.71
	Hampshire	223.88
	Middlesex	467.32
	Nantucket	253.07
	Norfolk	517.06
	Plymouth	364.83
	Suffolk	664.00
	Worcester	293.98
Michigan	Alcona	66.83
	Alger	59.11
	Allegan	114.97
	Alpena	70.96
	Antrim	106.09
	Arenac	65.84
	Baraga	56.28
	Barry	95.97
	Bay	77.47
	Benzie	125.97
	Berrien	126.90
	Branch	82.42
	Calhoun	82.80
	Cass	96.33
	Charlevoix	104.14
	Cheboygan	74.39
	Chippewa	52.92
	Clare	78.87
	Clinton	99.41
	Crawford	111.48
	Delta	62.82
	Dickinson	67.88
	Eaton	83.74
	Emmet	98.42
	Genesee	102.63
	Gladwin	81.40
	Gogebic	93.83
	Grand Traverse	153.35
	Gratiot	81.35
	Hillsdale	82.83
	Houghton	54.57
	Huron	85.75
	Ingham	105.05
	Ionia	94.46
	Iosco	74.09
	Iron	74.94
	Isabella	81.90
	Jackson	95.37
	Kalamazoo	115.00
	Kalkaska	94.46
	Kent	133.03
	Keweenaw	57.57
	Lake	80.06
	Lapeer	113.18
	Leelanau	194.37
	Lenawee	87.92
	Livingston	138.67
	Luce	80.99
	Mackinac	58.14
	Macomb	141.69
	Manistee	84.67
	Marquette	66.39
	Mason	87.75
	Mecosta	79.89
	Menominee	61.28
	Midland	82.47
	Missaukee	80.28
	Monroe	105.18
	Montcalm	78.76
	Montmorency	65.43
	Muskegon	108.92
	Newaygo	93.88
	Oakland	231.53
	Oceana	103.97
	Ogemaw	77.53
	Ontonagon	43.71
	Osceola	73.35
	Oscoda	70.38
	Otsego	73.07
	Ottawa	159.92
	Presque Isle	62.02
	Roscommon	114.61
	Saginaw	77.94
	St. Clair	105.40
	St. Joseph	92.98
	Sanilac	80.17
	Schoolcraft	38.60
	Shiawassee	80.96
	Tuscola	83.27
	Van Buren	117.69
	Washtenaw	137.54
	Wayne	212.81
	Wexford	87.64
Minnesota	Aitkin	47.36
	Anoka	164.16
	Becker	53.03
	Beltrami	43.86
	Benton	85.99
	Big Stone	60.76
	Blue Earth	100.24
	Brown	83.45
	Carlton	58.87
	Carver	111.25
	Cass	59.97
	Chippewa	75.58
	Chisago	121.63
	Clay	52.18
	Clearwater	41.96
	Cook	121.27
	Cottonwood	83.73
	Crow Wing	73.21
	Dakota	109.84
	Dodge	104.16
	Douglas	68.01
	Faribault	89.66
	Fillmore	81.33
	Freeborn	87.68
	Goodhue	100.78
	Grant	63.05
	Hennepin	154.88
	Houston	75.60
	Hubbard	65.39
	Isanti	112.86
	Itasca	56.05
	Jackson	85.91
	Kanabec	69.25
	Kandiyohi	80.23
	Kittson	33.41
	Koochiching	38.16
	Lac qui Parle	64.80
	Lake	93.81
	Lake of the Woods	33.75
	Le Sueur	98.89
	Lincoln	63.70
	Lyon	77.52
	McLeod	95.92
	Mahnomen	39.28
	Marshall	36.46
	Martin	86.89
	Meeker	84.86
	Mille Lacs	78.51
	Morrison	65.59
	Mower	89.77
	Murray	74.87
	Nicollet	95.13
	Nobles	88.67
	Norman	44.22
	Olmsted	101.43
	Otter Tail	56.75
	Pennington	38.78
	Pine	60.90
	Pipestone	76.62
	Polk	42.39
	Pope	61.86
	Ramsey	236.32
	Red Lake	38.07
	Redwood	85.43
	Renville	82.21
	Rice	119.07
	Rock	91.78
	Roseau	31.16
	St. Louis	55.34
	Scott	141.59
	Sherburne	108.60
	Sibley	93.69
	Stearns	79.87
	Steele	95.11
	Stevens	70.24
	Swift	70.44
	Todd	61.75
	Traverse	61.64
	Wabasha	82.58
	Wadena	54.18
	Waseca	98.07
	Washington	161.59
	Watonwan	84.41
	Wilkin	55.31
	Winona	84.16
	Wright	113.34
	Yellow Medicine	71.46
Mississippi	Adams	46.43
	Alcorn	46.21
	Amite	65.70
	Attala	43.44
	Benton	39.70
	Bolivar	55.30
	Calhoun	38.59
	Carroll	41.64
	Chickasaw	40.44
	Choctaw	49.01
	Claiborne	44.44
	Clarke	51.59
	Clay	40.58
	Coahoma	49.98
	Copiah	53.45
	Covington	68.69
	DeSoto	65.03
	Forrest	83.80
	Franklin	51.64
	George	81.14
	Greene	65.56
	Grenada	44.46
	Hancock	82.83
	Harrison	133.03
	Hinds	51.62
	Holmes	46.46
	Humphreys	46.85
	Issaquena	47.87
	Itawamba	41.69
	Jackson	100.10
	Jasper	56.72
	Jefferson	49.87
	Jefferson Davis	56.80
	Jones	86.32
	Kemper	38.28
	Lafayette	55.36
	Lamar	75.43
	Lauderdale	47.54
	Lawrence	61.51
	Leake	62.20
	Lee	49.37
	Leflore	47.43
	Lincoln	63.48
	Lowndes	49.48
	Madison	54.28
	Marion	68.11
	Marshall	50.12

State	County	Fee/acre/yr
	Monroe	41.11
	Montgomery	42.19
	Neshoba	67.31
	Newton	56.49
	Noxubee	42.52
	Oktibbeha	49.56
	Panola	42.63
	Pearl River	75.04
	Perry	67.75
	Pike	75.23
	Pontotoc	45.96
	Prentiss	38.84
	Quitman	42.91
	Rankin	69.41
	Scott	57.49
	Sharkey	43.30
	Simpson	67.03
	Smith	68.91
	Stone	75.90
	Sunflower	48.26
	Tallahatchie	42.38
	Tate	56.16
	Tippah	40.33
	Tishomingo	42.80
	Tunica	50.15
	Union	42.22
	Walthall	68.08
	Warren	49.04
	Washington	49.56
	Wayne	69.14
	Webster	41.47
	Wilkinson	50.15
	Winston	47.26
	Yalobusha	42.69
	Yazoo	46.88
Missouri	Adair	52.31
	Andrew	68.02
	Atchison	68.89
	Audrain	73.30
	Barry	72.54
	Barton	52.20
	Bates	54.93
	Benton	53.41
	Bollinger	52.62
	Boone	78.81
	Buchanan	75.92
	Butler	63.67
	Caldwell	56.16
	Callaway	71.59
	Camden	52.20
	Cape Girardeau	71.36
	Carroll	59.40
	Carter	45.80
	Cass	79.76
	Cedar	51.22
	Chariton	55.32
	Christian	78.25
	Clark	55.38
	Clay	80.07
	Clinton	65.46
	Cole	67.71
	Cooper	62.54
	Crawford	52.23
	Dade	51.11
	Dallas	62.46
	Daviess	54.42
	DeKalb	55.01
	Dent	47.29
	Douglas	51.84
	Dunklin	69.45
	Franklin	84.06
	Gasconade	61.95
	Gentry	52.51
	Greene	92.07
	Grundy	52.29
	Harrison	51.61
	Henry	50.66
	Hickory	43.89
	Holt	68.89
	Howard	59.25
	Howell	48.72
	Iron	47.99
	Jackson	91.76
	Jasper	62.09
	Jefferson	86.54
	Johnson	62.57
	Knox	53.30
	Laclede	54.17
	Lafayette	76.00
	Lawrence	69.31
	Lewis	59.87
	Lincoln	88.08
	Linn	51.30
	Livingston	56.89
	McDonald	66.59
	Macon	50.35
	Madison	48.04
	Maries	47.88
	Marion	62.68
	Mercer	50.88
	Miller	56.08
	Mississippi	66.45
	Moniteau	66.73
	Monroe	63.61
	Montgomery	80.07
	Morgan	62.26
	New Madrid	68.13
	Newton	73.70
	Nodaway	59.06
	Oregon	47.93
	Osage	54.45
	Ozark	47.90
	Pemiscot	60.72
	Perry	61.11
	Pettis	66.45
	Phelps	58.02
	Pike	66.53
	Platte	79.88
	Polk	60.83
	Pulaski	52.31
	Putnam	48.47
	Ralls	66.67
	Randolph	57.12
	Ray	61.81
	Reynolds	40.01
	Ripley	48.58
	St. Charles	91.90
	St. Clair	50.21
	Ste. Genevieve	60.91
	St. Francois	74.06
	St Louis	103.56
	Saline	62.06
	Schuyler	47.76
	Scotland	55.21
	Scott	72.63
	Shannon	49.34
	Shelby	58.24
	Stoddard	66.56
	Stone	69.26
	Sullivan	44.00
	Taney	53.44
	Texas	48.80
	Vernon	51.75
	Warren	93.39
	Washington	52.37
	Wayne	47.93
	Webster	73.41
	Worth	45.94
	Wright	50.88
Montana	Beaverhead	26.69
	Big Horn	9.04
	Blaine	13.58
	Broadwater	24.41
	Carbon	31.72
	Carter	8.73
	Cascade	20.18
	Chouteau	14.89
	Custer	11.59
	Daniels	13.09
	Dawson	11.32
	Deer Lodge	32.59
	Fallon	12.87
	Fergus	20.51
	Flathead	85.95
	Gallatin	50.09
	Garfield	9.55
	Glacier	12.60
	Golden Valley	16.68
	Granite	30.53
	Hill	14.73
	Jefferson	27.09
	Judith Basin	18.63
	Lake	34.45
	Lewis and Clark	21.71
	Liberty	10.28
	Lincoln	82.30
	McCone	10.54
	Madison	34.98
	Meagher	25.90
	Mineral	81.32
	Missoula	49.20
	Musselshell	13.47
	Park	40.23
	Petroleum	10.79
	Phillips	11.08
	Pondera	15.77
	Powder River	14.33
	Powell	20.03
	Prairie	13.73
	Ravalli	85.84
	Richland	15.53
	Roosevelt	15.73
	Rosebud	8.53
	Sanders	33.54
	Sheridan	14.71
	Silver Bow	48.05
	Stillwater	22.66
	Sweet Grass	26.89
	Teton	18.79
	Toole	13.16
	Treasure	11.01
	Valley	13.05
	Wheatland	12.36
	Wibaux	9.35
	Yellowstone	17.19
Nebraska	Adams	56.76
	Antelope	42.08
	Arthur	8.50
	Banner	13.97
	Blaine	11.53
	Boone	47.15
	Box Butte	20.97
	Boyd	19.87
	Brown	12.72
	Buffalo	42.74
	Burt	63.46
	Butler	62.54
	Cass	65.31
	Cedar	50.53
	Chase	25.52
	Cherry	10.33
	Cheyenne	18.85
	Clay	58.27
	Colfax	62.41
	Cuming	63.43
	Custer	25.95
	Dakota	44.91
	Dawes	14.32
	Dawson	34.02
	Deuel	18.04
	Dixon	46.89
	Dodge	67.53
	Douglas	92.66
	Dundy	20.89
	Fillmore	61.32
	Franklin	32.90
	Frontier	19.92
	Furnas	24.88
	Gage	45.70
	Garden	11.86
	Garfield	14.17
	Gosper	31.22
	Grant	7.71
	Greeley	30.25
	Hall	52.03
	Hamilton	66.28
	Harlan	29.16
	Hayes	17.25
	Hitchcock	19.54

State	County	Fee/acre/yr
	Holt	22.80
	Hooker	8.73
	Howard	39.67
	Jefferson	45.59
	Johnson	39.06
	Kearney	51.06
	Keith	21.80
	Keya Paha	14.12
	Kimball	17.81
	Knox	37.05
	Lancaster	64.50
	Lincoln	21.22
	Logan	13.00
	Loup	11.42
	McPherson	9.29
	Madison	55.14
	Merrick	46.59
	Morrill	16.44
	Nance	37.05
	Nemaha	49.77
	Nuckolls	41.93
	Otoe	55.52
	Pawnee	33.33
	Perkins	24.86
	Phelps	52.24
	Pierce	50.73
	Platte	57.88
	Polk	62.77
	Red Willow	26.82
	Richardson	48.29
	Rock	12.98
	Saline	53.38
	Sarpy	85.36
	Saunders	67.98
	Scotts Bluff	27.71
	Seward	64.42
	Sheridan	12.26
	Sherman	27.84
	Sioux	12.14
	Stanton	47.15
	Thayer	46.33
	Thomas	8.68
	Thurston	50.10
	Valley	28.55
	Washington	78.09
	Wayne	60.86
	Webster	32.11
	Wheeler	17.84
	York	67.07
Nevada	Carson City	28.23
	Churchill	18.13
	Clark	27.57
	Douglas	22.01
	Elko	2.79
	Esmeralda	12.23
	Eureka	1.30
	Humboldt	5.23
	Lander	3.70
	Lincoln	13.42
	Lyon	11.49
	Mineral	8.91
	Nye	11.66
	Pershing	6.46
	Storey	128.13
	Washoe	7.19
	White Pine	7.53
New Hampshire	Belknap	155.34
	Carroll	127.24
	Cheshire	125.04
	Coos	64.93
	Grafton	106.26
	Hillsborough	186.02
	Merrimack	129.05
	Rockingham	259.49
	Strafford	167.89
	Sullivan	107.75
New Jersey	Atlantic	366.70
	Bergen	1,711.26
	Burlington	296.32
	Camden	382.68
	Cape May	397.07
	Cumberland	231.15
	Essex	2,276.64
	Gloucester	382.33
	Hudson*	379.54
	Hunterdon	498.94
	Mercer	465.28
	Middlesex	501.79
	Monmouth	586.60
	Morris	608.56
	Ocean	448.05
	Passaic	1,013.15
	Salem	259.07
	Somerset	506.36
	Sussex	336.97
	Union	3,295.87
	Warren	305.44
New Mexico	Bernalillo	23.71
	Catron	4.55
	Chaves	5.45
	Cibola	3.22
	Colfax	5.93
	Curry	11.65
	De Baca	4.09
	Dona Ana	33.80
	Eddy	6.70
	Grant	4.17
	Guadalupe	3.23
	Harding*	5.99
	Hidalgo	3.00
	Lea	3.98
	Lincoln	4.96
	Los Alamos*	5.99
	Luna	6.22
	McKinley	2.31
	Mora	9.24
	Otero	5.72
	Quay	6.41
	Rio Arriba	8.37
	Roosevelt	8.35
	Sandoval	6.41
	San Juan	5.54
	San Miguel	5.77
	Santa Fe	11.88
	Sierra	3.85
	Socorro	4.90
	Taos	11.07
	Torrance	5.88
	Union	5.47
	Valencia	11.53
New York	Albany	86.53
	Allegany	38.49
	Bronx*	61.40
	Broome	49.83
	Cattaraugus	47.02
	Cayuga	57.36
	Chautauqua	53.15
	Chemung	49.39
	Chenango	48.66
	Clinton	47.26
	Columbia	115.58
	Cortland	42.02
	Delaware	61.22
	Dutchess	151.18
	Erie	80.00
	Essex	63.48
	Franklin	39.22
	Fulton	58.65
	Genesee	47.26
	Greene	78.81
	Hamilton*	61.40
	Herkimer	47.05
	Jefferson	37.41
	Kings*	61.40
	Lewis	43.32
	Livingston	54.36
	Madison	45.43
	Monroe	69.74
	Montgomery	58.30
	Nassau	2,672.03
	New York	61.40
	Niagara	57.60
	Oneida	52.23
	Onondaga	64.67
	Ontario	59.49
	Orange	139.00
	Orleans	46.34
	Oswego	50.82
	Otsego	51.26
	Putnam	376.90
	Queens	61.40
	Rensselaer	85.10
	Richmond	3,259.86
	Rockland	1,525.40
	St. Lawrence	36.33
	Saratoga	117.82
	Schenectady	97.09
	Schoharie	57.76
	Schuyler	58.79
	Seneca	54.33
	Steuben	42.43
	Suffolk	488.94
	Sullivan	94.28
	Tioga	47.26
	Tompkins	61.05
	Ulster	107.56
	Warren	93.71
	Washington	57.49
	Wayne	61.67
	Westchester	858.64
	Wyoming	47.99
	Yates	76.79
North Carolina	Alamance	124.67
	Alexander	147.79
	Alleghany	153.50
	Anson	96.46
	Ashe	155.93
	Avery	204.47
	Beaufort	69.39
	Bertie	69.09
	Bladen	89.13
	Brunswick	115.72
	Buncombe	191.95
	Burke	159.04
	Cabarrus	152.01
	Caldwell	137.30
	Camden	79.64
	Carteret	83.10
	Caswell	84.43
	Catawba	143.33
	Chatham	151.41
	Cherokee	182.46
	Chowan	66.55
	Clay	192.84
	Cleveland	108.36
	Columbus	89.11
	Craven	83.18
	Cumberland	81.35
	Currituck	89.92
	Dare	60.95
	Davidson	153.82
	Davie	141.68
	Duplin	110.39
	Durham	138.35
	Edgecombe	67.47
	Forsyth	182.03
	Franklin	101.01
	Gaston	150.74
	Gates	68.36
	Graham	118.85
	Granville	90.35
	Greene	92.65
	Guilford	141.84
	Halifax	64.34
	Harnett	143.41
	Haywood	169.23
	Henderson	278.84
	Hertford	55.52
	Hoke	91.57
	Hyde	63.63
	Iredell	155.79
	Jackson	195.44
	Johnston	116.66
	Jones	75.50
	Lee	125.05
	Lenoir	91.46
	Lincoln	124.97
	McDowell	160.42
	Macon	236.38

State	County	Fee/acre/yr
	Madison	142.71
	Martin	79.48
	Mecklenburg	419.16
	Mitchell	137.59
	Montgomery	100.41
	Moore	141.89
	Nash	91.84
	New Hanover	216.80
	Northampton	68.23
	Onslow	123.37
	Orange	151.76
	Pamlico	66.61
	Pasquotank	70.07
	Pender	108.90
	Perquimans	77.96
	Person	92.05
	Pitt	91.78
	Polk	201.60
	Randolph	131.00
	Richmond	103.66
	Robeson	77.91
	Rockingham	104.87
	Rowan	140.49
	Rutherford	118.64
	Sampson	101.09
	Scotland	78.29
	Stanly	108.71
	Stokes	114.77
	Surry	126.78
	Swain	165.85
	Transylvania	198.63
	Tyrrell	61.63
	Union	140.79
	Vance	89.35
	Wake	214.86
	Warren	66.47
	Washington	60.49
	Watauga	191.98
	Wayne	112.50
	Wilkes	151.17
	Wilson	87.02
	Yadkin	140.43
	Yancey	131.64
North Dakota	Adams	16.48
	Barnes	26.62
	Benson	20.56
	Billings	13.34
	Bottineau	20.79
	Bowman	14.47
	Burke	17.73
	Burleigh	20.59
	Cass	41.55
	Cavalier	26.91
	Dickey	29.48
	Divide	17.70
	Dunn	14.47
	Eddy	16.71
	Emmons	19.23
	Foster	21.55
	Golden Valley	13.23
	Grand Forks	29.94
	Grant	14.64
	Griggs	19.32
	Hettinger	21.16
	Kidder	16.23
	LaMoure	29.77
	Logan	20.70
	McHenry	18.55
	McIntosh	20.53
	McKenzie	14.61
	McLean	22.09
	Mercer	17.02
	Morton	17.98
	Mountrail	16.65
	Nelson	19.85
	Oliver	18.21
	Pembina	38.29
	Pierce	18.27
	Ramsey	19.97
	Ransom	29.11
	Renville	25.40
	Richland	39.08
	Rolette	18.95
	Sargent	31.83
	Sheridan	16.62
	Sioux	10.48
	Slope	13.62
	Stark	20.22
	Steele	27.59
	Stutsman	23.25
	Towner	21.10
	Traill	38.91
	Walsh	31.52
	Ward	23.96
	Wells	23.65
	Williams	18.69
Ohio	Adams	80.38
	Allen	101.04
	Ashland	105.61
	Ashtabula	82.19
	Athens	73.16
	Auglaize	107.56
	Belmont	59.39
	Brown	82.64
	Butler	130.89
	Carroll	89.84
	Champaign	103.21
	Clark	107.95
	Clermont	117.04
	Clinton	101.66
	Columbiana	108.23
	Coshocton	83.40
	Crawford	90.29
	Cuyahoga	630.21
	Darke	118.36
	Defiance	84.17
	Delaware	126.32
	Erie	112.69
	Fairfield	119.38
	Fayette	94.75
	Franklin	133.94
	Fulton	101.15
	Gallia	77.54
	Geauga	169.83
	Greene	110.63
	Guernsey	73.58
	Hamilton	186.95
	Hancock	91.73
	Hardin	91.45
	Harrison	64.13
	Henry	95.31
	Highland	88.20
	Hocking	95.17
	Holmes	130.47
	Huron	97.51
	Jackson	71.50
	Jefferson	66.28
	Knox	100.36
	Lake	216.61
	Lawrence	71.41
	Licking	113.82
	Logan	88.60
	Lorain	126.97
	Lucas	122.76
	Madison	109.33
	Mahoning	116.27
	Marion	87.02
	Medina	155.61
	Meigs	72.03
	Mercer	137.75
	Miami	109.98
	Monroe	58.52
	Montgomery	125.81
	Morgan	61.71
	Morrow	97.12
	Muskingum	79.03
	Noble	64.67
	Ottawa	81.57
	Paulding	89.70
	Perry	81.06
	Pickaway	97.17
	Pike	71.02
	Portage	131.06
	Preble	102.56
	Putnam	98.39
	Richland	102.03
	Ross	80.30
	Sandusky	87.13
	Scioto	74.43
	Seneca	88.14
	Shelby	115.74
	Stark	134.28
	Summit	224.11
	Trumbull	92.63
	Tuscarawas	98.50
	Union	94.35
	Van Wert	101.07
	Vinton	76.69
	Warren	150.50
	Washington	72.40
	Wayne	141.30
	Williams	86.48
	Wood	94.77
	Wyandot	88.20
Oklahoma	Adair	53.67
	Alfalfa	26.01
	Atoka	34.56
	Beaver	17.66
	Beckham	27.77
	Blaine	23.43
	Bryan	44.73
	Caddo	30.58
	Canadian	42.04
	Carter	39.46
	Cherokee	52.21
	Choctaw	37.64
	Cimarron	14.04
	Cleveland	67.37
	Coal	34.89
	Comanche	32.15
	Cotton	27.27
	Craig	36.83
	Creek	44.56
	Custer	29.99
	Delaware	58.18
	Dewey	23.57
	Ellis	20.32
	Garfield	28.53
	Garvin	37.27
	Grady	36.21
	Grant	24.91
	Greer	20.09
	Harmon	23.99
	Harper	19.51
	Haskell	36.04
	Hughes	33.01
	Jackson	24.33
	Jefferson	29.54
	Johnston	34.14
	Kay	28.98
	Kingfisher	31.47
	Kiowa	25.81
	Latimer	35.31
	Le Flore	46.75
	Lincoln	45.85
	Logan	38.76
	Love	41.98
	McClain	47.17
	McCurtain	44.36
	McIntosh	37.05
	Major	26.43
	Marshall	42.46
	Mayes	55.07
	Murray	39.07
	Muskogee	45.68
	Noble	32.12
	Nowata	33.72
	Okfuskee	33.24
	Oklahoma	72.17
	Okmulgee	48.85
	Osage	26.32
	Ottawa	50.22
	Pawnee	34.92
	Payne	46.49
	Pittsburg	34.19
	Pontotoc	39.38
	Pottawatomie	39.91
	Pushmataha	36.43
	Roger Mills	21.66

State	County	Fee/acre/yr
	Rogers	59.98
	Seminole	38.82
	Sequoyah	47.34
	Stephens	33.60
	Texas	19.09
	Tillman	23.21
	Tulsa	81.42
	Wagoner	49.83
	Washington	41.17
	Washita	28.05
	Woods	22.62
	Woodward	23.23
Oregon	Baker	22.54
	Benton	103.73
	Clackamas	266.50
	Clatsop	118.35
	Columbia	125.92
	Coos	72.78
	Crook	18.54
	Curry	68.11
	Deschutes	133.67
	Douglas	66.01
	Gilliam	8.60
	Grant	12.95
	Harney	10.15
	Hood River	343.44
	Jackson	113.44
	Jefferson	15.73
	Josephine	171.76
	Klamath	30.67
	Lake	18.04
	Lane	144.29
	Lincoln	101.89
	Linn	84.39
	Malheur	21.34
	Marion	134.12
	Morrow	14.35
	Multnomah	245.67
	Polk	106.26
	Sherman	12.19
	Tillamook	121.07
	Umatilla	22.46
	Union	29.22
	Wallowa	22.33
	Wasco	14.37
	Washington	197.74
	Wheeler	9.01
	Yamhill	171.92
Pennsylvania	Adams	178.02
	Allegheny	161.19
	Armstrong	87.19
	Beaver	136.28
	Bedford	96.10
	Berks	191.76
	Blair	115.08
	Bradford	85.07
	Bucks	277.28
	Butler	126.98
	Cambria	96.88
	Cameron	55.56
	Carbon	152.36
	Centre	141.97
	Chester	299.26
	Clarion	80.86
	Clearfield	70.38
	Clinton	117.70
	Columbia	117.31
	Crawford	80.36
	Cumberland	176.85
	Dauphin	170.00
	Delaware	362.79
	Elk	95.27
	Erie	111.60
	Fayette	101.65
	Forest	92.23
	Franklin	169.39
	Fulton	97.22
	Greene	87.16
	Huntingdon	101.95
	Indiana	101.12
	Jefferson	76.01
	Juniata	128.43
	Lackawanna	137.45
	Lancaster	259.80
	Lawrence	105.83
	Lebanon	231.80
	Lehigh	163.67
	Luzerne	131.74
	Lycoming	96.38
	McKean	58.90
	Mercer	88.89
	Mifflin	128.95
	Monroe	196.97
	Montgomery	279.34
	Montour	142.58
	Northampton	169.50
	Northumberland	112.51
	Perry	123.13
	Philadelphia	976.10
	Pike	46.37
	Potter	72.36
	Schuylkill	139.65
	Snyder	138.79
	Somerset	79.66
	Sullivan	69.10
	Susquehanna	91.37
	Tioga	82.39
	Union	164.62
	Venango	76.43
	Warren	73.31
	Washington	123.10
	Wayne	115.27
	Westmoreland	125.50
	Wyoming	96.91
	York	158.27
Puerto Rico	All Areas	215.61
Rhode Island	Bristol	652.45
	Kent	341.97
	Newport	581.14
	Providence	446.75
	Washington	373.03
South Carolina	Abbeville	74.49
	Aiken	98.97
	Allendale	50.28
	Anderson	108.71
	Bamberg	59.20
	Barnwell	71.76
	Beaufort	60.85
	Berkeley	94.91
	Calhoun	67.56
	Charleston	191.23
	Cherokee	77.74
	Chester	86.36
	Chesterfield	65.24
	Clarendon	54.59
	Colleton	54.87
	Darlington	48.68
	Dillon	55.67
	Dorchester	92.07
	Edgefield	84.09
	Fairfield	77.33
	Florence	71.20
	Georgetown	75.34
	Greenville	156.26
	Greenwood	77.33
	Hampton	60.91
	Horry	95.49
	Jasper	56.25
	Kershaw	84.06
	Lancaster	101.56
	Laurens	85.36
	Lee	58.40
	Lexington	121.60
	McCormick	70.02
	Marion	66.18
	Marlboro	50.45
	Newberry	80.67
	Oconee	150.03
	Orangeburg	62.26
	Pickens	158.39
	Richland	87.90
	Saluda	76.78
	Spartanburg	135.01
	Sumter	55.09
	Union	70.93
	Williamsburg	67.23
	York	110.15
South Dakota	Aurora	38.54
	Beadle	36.73
	Bennett	10.45
	Bon Homme	41.32
	Brookings	60.11
	Brown	44.56
	Brule	29.58
	Buffalo	15.46
	Butte	13.80
	Campbell	20.65
	Charles Mix	35.38
	Clark	41.07
	Clay	65.52
	Codington	44.11
	Corson	10.59
	Custer	16.20
	Davison	48.06
	Day	34.70
	Deuel	44.31
	Dewey	9.89
	Douglas	41.35
	Edmunds	28.90
	Fall River	11.38
	Faulk	27.32
	Grant	44.79
	Gregory	20.51
	Haakon	11.97
	Hamlin	52.68
	Hand	26.17
	Hanson	55.07
	Harding	10.25
	Hughes	23.49
	Hutchinson	51.61
	Hyde	17.97
	Jackson	10.08
	Jerauld	25.80
	Jones	11.01
	Kingsbury	42.73
	Lake	67.94
	Lawrence	40.70
	Lincoln	86.48
	Lyman	17.63
	McCook	59.01
	McPherson	21.13
	Marshall	32.82
	Meade	14.17
	Mellette	10.20
	Miner	42.48
	Minnehaha	77.72
	Moody	70.62
	Pennington	19.32
	Perkins	11.55
	Potter	26.23
	Roberts	41.41
	Sanborn	34.65
	Shannon	6.00
	Spink	38.68
	Stanley	11.16
	Sully	25.44
	Todd	8.23
	Tripp	20.51
	Turner	63.21
	Union	72.73
	Walworth	20.42
	Yankton	55.58
	Ziebach	8.42
Tennessee	Anderson	150.12
	Bedford	103.92
	Benton	62.81
	Bledsoe	89.51
	Blount	156.25
	Bradley	135.00
	Campbell	97.60
	Cannon	90.85
	Carroll	71.41
	Carter	113.56
	Cheatham	115.19
	Chester	68.60
	Claiborne	87.34
	Clay	69.41
	Cocke	106.06
	Coffee	98.47

State	County	Fee/acre/yr
	Crockett	65.70
	Cumberland	98.58
	Davidson	174.77
	Decatur	59.13
	DeKalb	89.34
	Dickson	95.29
	Dyer	77.31
	Fayette	90.80
	Fentress	98.16
	Franklin	104.88
	Gibson	71.94
	Giles	88.92
	Grainger	106.39
	Greene	120.00
	Grundy	91.11
	Hamblen	107.15
	Hamilton	152.85
	Hancock	83.04
	Hardeman	69.69
	Hardin	71.63
	Hawkins	102.24
	Haywood	68.01
	Henderson	65.73
	Henry	76.24
	Hickman	76.94
	Houston	67.84
	Humphreys	72.36
	Jackson	76.52
	Jefferson	131.49
	Johnson	122.78
	Knox	181.88
	Lake	77.62
	Lauderdale	61.35
	Lawrence	87.14
	Lewis	80.46
	Lincoln	96.62
	Loudon	138.91
	McMinn	113.08
	McNairy	62.08
	Macon	91.87
	Madison	78.71
	Marion	101.98
	Marshall	91.75
	Maury	106.34
	Meigs	100.61
	Monroe	114.91
	Montgomery	90.99
	Moore	92.23
	Morgan	81.19
	Obion	71.63
	Overton	91.25
	Perry	59.46
	Pickett	97.68
	Polk	131.10
	Putnam	116.93
	Rhea	101.00
	Roane	119.43
	Robertson	108.00
	Rutherford	128.51
	Scott	88.16
	Sequatchie	95.13
	Sevier	155.35
	Shelby	130.93
	Smith	88.61
	Stewart	76.16
	Sullivan	143.15
	Sumner	113.67
	Tipton	66.07
	Trousdale	90.91
	Unicoi	203.18
	Union	102.97
	Van Buren	80.01
	Warren	99.26
	Washington	154.96
	Wayne	61.88
	Weakley	71.13
	White	92.34
	Williamson	150.82
	Wilson	115.05
Texas	Anderson	60.55
	Andrews	9.22
	Angelina	75.91
	Aransas	37.44
	Archer	26.40
	Armstrong	23.44
	Atascosa	44.57
	Austin	92.56
	Bailey	24.63
	Bandera	62.18
	Bastrop	74.41
	Baylor	15.92
	Bee	38.66
	Bell	64.00
	Bexar	74.30
	Blanco	67.96
	Borden	15.71
	Bosque	58.54
	Bowie	50.24
	Brazoria	59.36
	Brazos	74.85
	Brewster	9.31
	Briscoe	16.79
	Brooks	28.19
	Brown	48.97
	Burleson	61.23
	Burnet	61.39
	Caldwell	62.86
	Calhoun	43.22
	Callahan	34.51
	Cameron	52.44
	Camp	73.87
	Carson	22.14
	Cass	58.46
	Castro	28.05
	Chambers	39.36
	Cherokee	63.13
	Childress	19.34
	Clay	35.86
	Cochran	23.68
	Coke	21.24
	Coleman	34.91
	Collin	93.92
	Collingsworth	23.38
	Colorado	64.08
	Comal	81.55
	Comanche	53.42
	Concho	27.70
	Cooke	67.52
	Coryell	54.37
	Cottle	17.47
	Crane	10.36
	Crockett	11.04
	Crosby	18.72
	Culberson	8.19
	Dallam	22.92
	Dallas	89.66
	Dawson	23.09
	Deaf Smith	24.77
	Delta	43.79
	Denton	96.96
	DeWitt	50.35
	Dickens	22.38
	Dimmit	27.32
	Donley	17.42
	Duval	27.64
	Eastland	46.93
	Ector	10.80
	Edwards	21.73
	Ellis	66.33
	El Paso	39.72
	Erath	65.19
	Falls	43.08
	Fannin	52.60
	Fayette	74.79
	Fisher	24.58
	Floyd	27.37
	Foard	18.99
	Fort Bend	62.72
	Franklin	61.20
	Freestone	47.31
	Frio	36.62
	Gaines	25.80
	Galveston	66.41
	Garza	16.66
	Gillespie	70.59
	Glasscock	19.99
	Goliad	44.16
	Gonzales	57.54
	Gray	19.78
	Grayson	82.31
	Gregg	92.94
	Grimes	66.22
	Guadalupe	70.59
	Hale	31.44
	Hall	22.63
	Hamilton	46.42
	Hansford	21.87
	Hardeman	22.00
	Hardin	61.66
	Harris	91.48
	Harrison	59.87
	Hartley	18.34
	Haskell	24.09
	Hays	76.64
	Hemphill	19.75
	Henderson	66.36
	Hidalgo	59.17
	Hill	49.94
	Hockley	29.00
	Hood	74.06
	Hopkins	62.02
	Houston	55.64
	Howard	20.83
	Hudspeth	7.68
	Hunt	66.90
	Hutchinson	18.12
	Irion	16.90
	Jack	40.37
	Jackson	37.00
	Jasper	75.99
	Jeff Davis	7.57
	Jefferson	37.74
	Jim Hogg	17.52
	Jim Wells	39.63
	Johnson	92.45
	Jones	29.76
	Karnes	46.82
	Kaufman	70.91
	Kendall	73.73
	Kenedy	15.73
	Kent	16.33
	Kerr	48.40
	Kimble	40.48
	King	10.28
	Kinney	24.55
	Kleberg	32.09
	Knox	23.17
	Lamar	44.65
	Lamb	28.13
	Lampasas	50.40
	La Salle	30.25
	Lavaca	57.73
	Lee	70.40
	Leon	54.77
	Liberty	54.23
	Limestone	42.48
	Lipscomb	19.72
	Live Oak	40.45
	Llano	51.14
	Loving	3.55
	Lubbock	32.53
	Lynn	24.01
	McCulloch	36.05
	McLennan	55.94
	McMullen	28.51
	Madison	56.94
	Marion	54.99
	Martin	17.50
	Mason	49.70
	Matagorda	37.44
	Maverick	24.50
	Medina	53.50
	Menard	29.54
	Midland	23.57
	Milam	51.92
	Mills	45.71
	Mitchell	22.30
	Montague	55.88
	Montgomery	102.79

State	County	Fee/acre/yr
	Moore	23.28
	Morris	61.47
	Motley	16.14
	Nacogdoches	65.68
	Navarro	43.73
	Newton	50.95
	Nolan	27.86
	Nueces	35.00
	Ochiltree	22.03
	Oldham	8.84
	Orange	68.74
	Palo Pinto	52.57
	Panola	53.88
	Parker	98.96
	Parmer	27.64
	Pecos	7.35
	Polk	62.31
	Potter	17.96
	Presidio	11.29
	Rains	65.70
	Randall	31.09
	Reagan	13.62
	Real	29.30
	Red River	36.05
	Reeves	8.55
	Refugio	19.86
	Roberts	18.26
	Robertson	54.66
	Rockwall	122.43
	Runnels	30.57
	Rusk	55.53
	Sabine	69.48
	San Augustine	53.88
	San Jacinto	71.27
	San Patricio	33.61
	San Saba	44.08
	Schleicher	24.52
	Scurry	24.33
	Shackelford	22.76
	Shelby	76.23
	Sherman	22.08
	Smith	85.07
	Somervell	86.02
	Starr	33.56
	Stephens	33.45
	Sterling	9.96
	Stonewall	18.15
	Sutton	21.59
	Swisher	19.70
	Tarrant	98.39
	Taylor	33.53
	Terrell	6.10
	Terry	24.01
	Throckmorton	23.66
	Titus	55.69
	Tom Green	29.27
	Travis	76.83
	Trinity	52.17
	Tyler	76.07
	Upshur	70.10
	Upton	13.92
	Uvalde	29.49
	Val Verde	12.40
	Van Zandt	82.55
	Victoria	42.08
	Walker	66.49
	Waller	89.60
	Ward	10.04
	Washington	100.59
	Webb	20.26
	Wharton	47.88
	Wheeler	18.45
	Wichita	26.34
	Wilbarger	20.02
	Willacy	32.39
	Williamson	76.39
	Wilson	64.05
	Winkler	7.11
	Wise	85.51
	Wood	78.62
	Yoakum	22.95
	Young	34.13
	Zapata	24.93
	Zavala	28.54
Utah	Beaver	28.38
	Box Elder	11.19
	Cache	38.31
	Carbon	13.06
	Daggett	19.25
	Davis	65.56
	Duchesne	8.06
	Emery	15.73
	Garfield	32.09
	Grand	5.11
	Iron	19.60
	Juab	14.34
	Kane	18.22
	Millard	14.41
	Morgan	16.72
	Piute	34.33
	Rich	9.87
	Salt Lake	39.63
	San Juan	4.40
	Sanpete	26.79
	Sevier	24.19
	Summit	17.56
	Tooele	20.00
	Uintah	6.50
	Utah	52.16
	Wasatch	58.50
	Washington	38.02
	Wayne	33.32
	Weber	60.40
Vermont	Addison	73.18
	Bennington	102.77
	Caledonia	73.54
	Chittenden	105.87
	Essex	43.44
	Franklin	69.39
	Grand Isle	100.43
	Lamoille	87.00
	Orange	82.51
	Orleans	64.43
	Rutland	69.64
	Washington	96.36
	Windham	103.36
	Windsor	111.86
Virginia	Accomack	84.94
	Albemarle	163.39
	Alleghany	79.77
	Amelia	100.57
	Amherst	85.97
	Appomattox	78.37
	Arlington	118.25
	Augusta	137.45
	Bath	104.47
	Bedford	132.68
	Bland	82.61
	Botetourt	119.15
	Brunswick	70.03
	Buchanan	118.25
	Buckingham	86.45
	Campbell	94.14
	Caroline	130.86
	Carroll	115.28
	Charles City	101.19
	Charlotte	74.89
	Chesterfield	158.17
	Clarke	191.62
	Craig	99.67
	Culpeper	166.56
	Cumberland	109.55
	Dickenson	89.59
	Dinwiddie	89.34
	Essex	91.03
	Fairfax	360.43
	Fauquier	162.24
	Floyd	116.65
	Fluvanna	139.64
	Franklin	116.96
	Frederick	164.09
	Giles	87.83
	Gloucester	157.83
	Goochland	148.54
	Grayson	129.51
	Greene	183.96
	Greensville	77.75
	Halifax	77.75
	Hanover	159.06
	Henrico	152.24
	Henry	87.71
	Highland	85.19
	Isle of Wight	88.78
	James City	235.69
	King and Queen	101.47
	King George	117.80
	King William	107.95
	Lancaster	119.07
	Lee	76.94
	Loudoun	207.34
	Louisa	137.56
	Lunenburg	82.58
	Madison	162.18
	Mathews	160.13
	Mecklenburg	88.81
	Middlesex	141.27
	Montgomery	115.87
	Nelson	131.50
	New Kent	149.83
	Northampton	110.53
	Northumberland	106.55
	Nottoway	98.13
	Orange	155.67
	Page	172.79
	Patrick	97.45
	Pittsylvania	88.61
	Powhatan	180.42
	Prince Edward	86.40
	Prince George	105.59
	Prince William	205.91
	Pulaski	102.37
	Rappahannock	174.39
	Richmond	103.32
	Roanoke	142.03
	Rockbridge	122.18
	Rockingham	172.62
	Russell	79.46
	Scott	82.77
	Shenandoah	151.43
	Smyth	92.85
	Southampton	72.73
	Spotsylvania	142.50
	Stafford	247.76
	Surry	92.71
	Sussex	88.72
	Tazewell	64.14
	Warren	178.29
	Washington	123.33
	Westmoreland	101.05
	Wise	78.31
	Wythe	110.25
	York	496.36
	Chesapeake City	151.06
	Suffolk	127.82
	Virginia Beach City	174.78
Washington	Adams	18.65
	Asotin	15.13
	Benton	42.30
	Chelan	132.56
	Clallam	190.99
	Clark	240.90
	Columbia	18.17
	Cowlitz	138.60
	Douglas	20.08
	Ferry	8.03
	Franklin	39.35
	Garfield	14.73
	Grant	45.43
	Grays Harbor	48.74
	Island	223.88
	Jefferson	132.85
	King	323.90
	Kitsap	339.92
	Kittitas	71.16
	Klickitat	22.69
	Lewis	107.67
	Lincoln	18.14
	Mason	149.73
	Okanogan	22.09

State	County	Fee/acre/yr
	Pacific	60.38
	Pend Oreille	55.03
	Pierce	268.54
	San Juan	158.25
	Skagit	122.84
	Skamania	160.46
	Snohomish	196.89
	Spokane	42.81
	Stevens	25.38
	Thurston	155.76
	Wahkiakum	72.58
	Walla Walla	31.39
	Whatcom	203.68
	Whitman	20.32
	Yakima	27.86
West Virginia	Barbour	46.46
	Berkeley	189.39
	Boone	43.66
	Braxton	45.58
	Brooke	46.37
	Cabell	71.37
	Calhoun	43.77
	Clay	46.91
	Doddridge	41.59
	Fayette	57.94
	Gilmer	41.31
	Grant	65.80
	Greenbrier	68.23
	Hampshire	135.10
	Hancock	77.31
	Hardy	86.21
	Harrison	58.87
	Jackson	55.87
	Jefferson	192.02
	Kanawha	77.17
	Lewis	47.93
	Lincoln	41.93
	Logan	80.28
	McDowell	62.83
	Marion	59.97
	Marshall	52.82
	Mason	62.97
	Mercer	62.29
	Mineral	78.38
	Mingo	27.88
	Monongalia	77.99
	Monroe	64.87
	Morgan	122.58
	Nicholas	57.20
	Ohio	59.92
	Pendleton	60.14
	Pleasants	58.98
	Pocahontas	57.37
	Preston	67.61
	Putnam	67.41
	Raleigh	64.98
	Randolph	56.55
	Ritchie	47.31
	Roane	49.00
	Summers	56.69
	Taylor	62.09
	Tucker	54.57
	Tyler	53.16
	Upshur	60.14
	Wayne	51.24
	Webster	55.76
	Wetzel	43.57
	Wirt	45.84
	Wood	64.58
	Wyoming	38.48
Wisconsin	Adams	87.69
	Ashland	59.32
	Barron	68.57
	Bayfield	60.07
	Brown	108.56
	Buffalo	71.08
	Burnett	70.86
	Calumet	105.77
	Chippewa	68.90
	Clark	69.23
	Columbia	103.69
	Crawford	71.86
	Dane	119.86
	Dodge	101.51
	Door	93.28
	Douglas	56.83
	Dunn	77.51
	Eau Claire	77.45
	Florence	65.41
	Fond du Lac	97.77
	Forest	53.29
	Grant	87.17
	Green	98.85
	Green Lake	96.27
	Iowa	91.13
	Iron	52.59
	Jackson	71.61
	Jefferson	111.89
	Juneau	79.19
	Kenosha	140.87
	Kewaunee	96.72
	La Crosse	80.19
	Lafayette	97.41
	Langlade	70.72
	Lincoln	70.72
	Manitowoc	96.69
	Marathon	75.68
	Marinette	74.49
	Marquette	84.92
	Menominee	32.50
	Milwaukee	199.63
	Monroe	82.16
	Oconto	82.43
	Oneida	78.81
	Outagamie	102.36
	Ozaukee	132.45
	Pepin	75.65
	Pierce	92.48
	Polk	79.86
	Portage	95.22
	Price	53.92
	Racine	132.37
	Richland	77.98
	Rock	111.50
	Rusk	64.25
	St. Croix	105.52
	Sauk	93.92
	Sawyer	82.38
	Shawano	85.26
	Sheboygan	107.10
	Taylor	64.33
	Trempealeau	72.36
	Vernon	82.13
	Vilas	137.66
	Walworth	119.94
	Washburn	75.57
	Washington	140.95
	Waukesha	151.80
	Waupaca	89.41
	Waushara	97.77
	Winnebago	95.17
	Wood	83.24
Wyoming	Albany	7.60
	Big Horn	14.15
	Campbell	6.29
	Carbon	5.07
	Converse	5.55
	Crook	9.65
	Fremont	14.78
	Goshen	9.63
	Hot Springs	11.84
	Johnson	6.23
	Laramie	7.82
	Lincoln	18.50
	Natrona	5.39
	Niobrara	6.08
	Park	13.39
	Platte	9.87
	Sheridan	12.68
	Sublette	16.34
	Sweetwater	2.89
	Teton	29.44
	Uinta	9.49
	Washakie	9.20
	Weston	7.15

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 876 and 892

[Docket No. FDA–2013–N–0195]

Effective Date of Requirement for Premarket Approval for Transilluminator for Breast Evaluation and Sorbent Hemoperfusion System (SHS) Devices for the Treatment of Hepatic Coma and Metabolic Disturbances; Reclassification of SHS Devices for the Treatment of Poisoning and Drug Overdose

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final order to require the filing of a premarket approval application (PMA) for the transilluminator for breast evaluation and sorbent hemoperfusion system (SHS) devices for the treatment of hepatic coma and metabolic disturbances and to reclassify SHS devices for the treatment of poisoning and drug overdose, a preamendments class III device, into class II (special controls).

DATES: This order is effective January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Rebecca Nipper, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 1540, Silver Spring, MD 20993, 301–796–6527.

SUPPLEMENTARY INFORMATION:

I. Background—Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Pub. L. 94–295), the Safe Medical Devices Act of 1990 (Pub. L. 101–629), the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Pub. L. 105–115), the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250), the Medical Devices Technical Corrections Act (Pub. L. 108–214), the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85), and the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144), among other amendments, established a

comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as preamendments devices), are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976 (generally referred to as postamendments devices), are automatically classified by section 513(f) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval unless, and until, the device is reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

A preamendments device that has been classified into class III and devices found substantially equivalent by means of premarket notification (510(k)) procedures to such a preamendments device or to a device within that type (both the preamendments and substantially equivalent devices are referred to as preamendments class III devices) may be marketed without submission of a PMA until FDA issues a final order under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)) requiring premarket approval or until the device is subsequently reclassified into class I or class II. Section 515(b)(1) of the FD&C Act directs FDA to issue an order requiring premarket approval for a preamendments class III device.

Although, under the FD&C Act, the manufacturer of class III preamendments device may respond to the call for PMAs by filing a PMA or a notice of completion of a product development protocol (PDP), in practice, the option of filing a notice of completion of a PDP has not been used. For simplicity, although corresponding requirements for PDPs remain available to manufacturers in response to a final order under section 515(b) of the FD&C Act, this document will refer only to the requirement for the filing and receiving approval of a PMA.

On July 9, 2012, FDASIA was enacted. Section 608(a) of FDASIA (126 Stat. 1056) amended section 513(e) of the FD&C Act, changing the mechanism for reclassifying a device from rulemaking to an administrative order. Section 608(b) of FDASIA amended section 515(b) of the FD&C Act changing the mechanism for requiring premarket approval for a preamendments class III device from rulemaking to an administrative order. Prior to the enactment of FDASIA, FDA published proposed rules under section 515(b) to require PMAs for the transilluminator for breast evaluation and sorbent hemoperfusion devices for the treatment of hepatic coma and metabolic disturbances (75 FR 52294 at 52299, August 25, 2010; 77 FR 9610 at 9617, February 17, 2012). FDA also published a proposed rule to reclassify sorbent hemoperfusion for the treatment of poisoning or drug overdose under section 513(e) of the FD&C Act prior to FDASIA (77 FR 9610 at 9617).

Subsequent to the proposed rules, FDA issued a proposed administrative order to comply with the new procedural requirements created by FDASIA when requiring premarket approval for preamendments class III devices or reclassifying preamendments class III devices (78 FR 20268 at 20276, April 4, 2013). Comments submitted to the aforementioned proposed rules and proposed administrative order were considered when developing this final order.

A. Requirement for Premarket Approval Application

FDA is requiring PMAs for the transilluminator for breast evaluation and SHS devices when indicated for the treatment of hepatic coma and metabolic disturbances.

Section 515(b)(1) of the FD&C Act sets forth the process for issuing a final order. Specifically, prior to the issuance of a final order requiring premarket approval for a preamendments class III device, the following must occur: (1) Publication of a proposed order in the **Federal Register**; (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments from all affected stakeholders, including patients, payers, and providers. FDA published a proposed order to require PMAs for the transilluminator for breast evaluation and sorbent hemoperfusion devices for the treatment of hepatic coma and metabolic disturbances in the **Federal Register** of April 4, 2013 (78 FR 20268 at 20276), and has convened classification panels for the transilluminator for breast evaluation and SHS devices when indicated for the treatment of hepatic coma and metabolic disturbances as discussed in this document.

Section 515(b)(3) of the FD&C Act provides that FDA shall, after the close of the comment period on the proposed order, consideration of any comments received, and a meeting of a device classification panel described in section 513(b) of the FD&C Act, issue a final order to require premarket approval or publish a document terminating the proceeding together with the reasons for such termination.

A preamendments class III device may be commercially distributed without a PMA until 90 days after FDA issues a final order (a final rule issued under section 515(b) of the FD&C Act prior to the enactment of FDASIA is considered to be a final order for purposes of section 501(f) of the FD&C Act (21 U.S.C. 351(f))) requiring premarket approval for the device, or 30 months after final classification of the device under section 513 of the FD&C Act, whichever is later. For transilluminator for breast evaluation and sorbent hemoperfusion devices for the treatment of hepatic coma and metabolic disturbances, the preamendments class III devices that are the subject of this proposal, the later of these two time periods is the 90-day period. Since these devices were classified in 1995 and 1983, respectively, the 30-month period has expired (60 FR 36639, July 18, 1995, and 48 FR 53012 at 53028, November 23, 1983). Therefore, section 501(f)(2)(B) of the FD&C Act requires that a PMA for such devices be filed within 90 days of the date of issuance of this final order. If a PMA is not filed for such devices within 90 days after the issuance of this final order, the devices will be deemed adulterated under section 501(f) of the FD&C Act.

Also, a preamendments device subject to the order process under section 515(b) of the FD&C Act is not required to have an approved investigational device exemption (IDE) (see part 812 (21

CFR part 812)) contemporaneous with its interstate distribution until the date identified by FDA in the final order requiring the filing of a PMA for the device. At that time, an IDE is required only if a PMA has not been filed. If the manufacturer, importer, or other sponsor of the device submits an IDE application and FDA approves it, the device may be distributed for investigational use. If a PMA is not filed by the later of the two dates, and the device is not distributed for investigational use under an IDE, the device is deemed to be adulterated within the meaning of section 501(f)(1)(A) of the FD&C Act, and subject to seizure and condemnation under section 304 of the FD&C Act (21 U.S.C. 334) if its distribution continues. Other enforcement actions include, but are not limited to, the following: Shipment of devices in interstate commerce will be subject to injunction under section 302 of the FD&C Act (21 U.S.C. 332), and the individuals responsible for such shipment will be subject to prosecution under section 303 of the FD&C Act (21 U.S.C. 333). FDA requests that manufacturers take action to prevent the further use of devices for which no PMA has been filed.

1. Transilluminator for Breast Evaluation

On January 11, 1991, the Obstetrics and Gynecology Devices Panel recommended that transilluminator devices for breast evaluation be classified into class III and subject to premarket approval to provide reasonable assurance of the safety and effectiveness of the device. The panel concluded that there were no published studies or clinical data demonstrating the safety and effectiveness of the device. The panel indicated that the device presents a potential unreasonable risk of illness or injury to the patient if the clinician relies on the device. The panel found further that although the device's illumination level, wavelength, and image quality can be controlled through tests and specifications, insufficient evidence exists to determine that special controls can be established to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

In addition, the Radiologic Devices Panel considered the classification of the transilluminator for breast evaluation on April 12, 2012, and expressed concerns regarding the effectiveness of the device and the potential for delayed diagnosis. The panel determined that general controls and special controls are not sufficient to provide a reasonable assurance of safety and effectiveness of the device for the diagnosis of cancer, other conditions, diseases, or abnormalities. Accordingly, the panel concluded that the device should remain in class III. FDA agreed and continues to agree with the recommendations of both panels and is aware of no information submitted in response to the 515(i) Order (74 FR 16214, April 9, 2009) or otherwise available to FDA that would support a different classification. The Agency notes that the device has fallen into disuse and that the published data are not adequate to demonstrate the safety and effectiveness of the device.

FDA received and has considered two comments on this proposed order, as well as one comment received in response to the August 25, 2010 (75 FR 52294), proposed rule as discussed in section II of this document.

2. SHS Devices for the Treatment of Hepatic Coma and Metabolic Disturbances

FDA held a meeting of a device classification panel described in section 513(b) of the FD&C Act with respect to SHS devices on July 27, 2013. The panel unanimously recommended that SHS devices for the treatment of hepatic coma and metabolic disturbances should remain in class III (subject to premarket approval application) because there was insufficient information to establish special controls, and that the application of general controls is insufficient to provide a reasonable assurance of safety and effectiveness for SHS devices that are life-supporting and life-sustaining and, because there is no clear benefit from the use of these devices in these vulnerable populations, there is a potential unreasonable risk of illness or injury when used for the treatment of hepatic coma and metabolic disturbances. The panel also unanimously supported FDA's conclusion that the effectiveness of SHS when indicated for the treatment of hepatic coma and metabolic disturbances had not been established through adequate scientific evidence. FDA published a proposed order in the **Federal Register** of April 4, 2013. FDA received and has considered two comments on this proposed order, as well as one comment received in response to the February 17, 2012, proposed rule as discussed in section II of this document.

B. Reclassification

FDA is reclassifying SHS devices when indicated for the treatment of poisoning and drug overdose from class III to class II (special controls). Section 513(e) of the FD&C Act governs reclassification of classified preamendments devices. This section provides that FDA may, by administrative order, reclassify a device based upon "new information." FDA can initiate a reclassification under section 513(e) or an interested person may petition FDA to reclassify a preamendments device. The term "new information," as used in section 513(e) of the FD&C Act, includes information developed as a result of a reevaluation of the data before the Agency when the device was originally classified, as well as information not presented, not available, or not developed at that time. (See, e.g., *Holland-Rantos Co.* v. *United States Department of Health, Education, and Welfare,* 587 F.2d 1173, 1174 n.1 (D.C. Cir. 1978); *Upjohn* v. *Finch,* 422 F.2d 944 (6th Cir. 1970); *Bell* v. *Goddard,* 366 F.2d 177 (7th Cir. 1966).)

Reevaluation of the data previously before the Agency is an appropriate basis for subsequent action where the reevaluation is made in light of newly available authority (see *Bell,* 366 F.2d at 181; *Ethicon, Inc.* v. *FDA,* 762 F.Supp. 382, 388–391 (D.D.C. 1991)), or in light of changes in "medical science" (*Upjohn,* 422 F.2d at 951). Whether data before the Agency are old or new data, the "new information" to support reclassification under section 513(e) must be "valid scientific evidence," as defined in section 513(a)(3) of the FD&C Act and 21 CFR 860.7(c)(2). (See, e.g., *General Medical Co.* v. *FDA,* 770 F.2d 214 (D.C. Cir. 1985); *Contact Lens Association* v. *FDA,* 766 F.2d 592 (D.C. Cir. 1985), cert. denied, 474 U.S. 1062 (1986).)

FDA relies upon "valid scientific evidence" in the classification process to determine the level of regulation for devices. To be considered in the reclassification process, the "valid scientific evidence" upon which the Agency relies must be publicly available. Publicly available information excludes trade secret and/or confidential commercial information, e.g., the contents of a pending PMA. (See section 520(c) of the FD&C Act (21 U.S.C. 360j(c)). Section 520(h)(4) of the FD&C Act, added by FDAMA, provides that FDA may use, for reclassification of a device, certain information in a PMA 6 years after the application has been approved. This includes information from clinical and preclinical tests or studies that demonstrate the safety or effectiveness of the device but does not include descriptions of methods of manufacture or product composition and other trade secrets.

Section 513(e)(1) of the FD&C Act sets forth the process for issuing a final

order. Specifically, prior to the issuance of a final order reclassifying a device, the following must occur: (1) Publication of a proposed order in the **Federal Register**; (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments to the public docket. FDA published a proposed order in the **Federal Register** on April 4, 2013. FDA held a meeting of a device classification panel described in section 513(b) of the FD&C Act with respect to SHS devices on June 27, 2013 (*http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/Gastroenterology-UrologyDevicesPanel/ucm358362.htm*). The panel unanimously recommended that SHS devices for the treatment of poisoning and drug overdose, a preamendments class III device, should be reclassified into class II because the application of general controls and special controls are sufficient to provide reasonable assurance of safety and effectiveness for SHS devices when intended for these uses. The panel also generally agreed with FDA's conclusion that the available scientific evidence is adequate to support the safety and effectiveness of SHS devices indicated for treatment of poisoning and drug overdose, although one member was concerned with the age of the data on which FDA's conclusions are based. The panel further agreed that the special controls identified by FDA were appropriate to mitigate the relevant risks to health for this use, although there was a fairly strong consensus for adding specificity with regard to specific elements to be removed by this therapy and to collect further clinical data. The identified special controls require both testing and labeling regarding the drugs and/or poisons the device has been demonstrated to remove, and the extent for removal/depletion of the substances. The special controls also require that a summary of the clinical experience with the device, including a discussion and analysis of the device safety and performance and a list of adverse events observed during the testing, be provided. These special controls address the panel's recommendations.

FDA received and has considered two comments on this proposed order, as discussed in section II of this document, as well as one comment on the prior proposed rule (77 FR 9610).

II. Public Comments in Response to the Proposed Rule and Proposed Order

A. Transilluminator for Breast Evaluation

In response to the August 25, 2010, proposed rule (75 FR 52294 at 52299) and the April 4, 2013, proposed order to maintain the class III classification and require the filing of a PMA for the transilluminator for breast evaluation, FDA received three comments.

Two of the comments supported the call for PMAs for this device. The other comment suggested the transilluminator for breast evaluation be reclassified as a class I device. FDA disagrees. FDA convened a meeting of the Radiological Devices Panel on April 12, 2012, as discussed in section I of this document, which was announced in a notice in the **Federal Register** on February 28, 2012 (77 FR 12064), that considered the information provided in the comment and the suggested class I status for this device. After considering the information provided in the comment and other available information, the panel determined that the device presents a potential unreasonable risk of illness or injury and that general controls and special controls are not sufficient to provide a reasonable assurance of safety and effectiveness of the transilluminator for breast evaluation for the diagnosis of cancer, other conditions, diseases, or abnormalities and recommended the device remain in class III. FDA concurs with the panel's recommendation.

B. SHS Devices for the Treatment of Hepatic Coma and Metabolic Disturbances

In response to the February 17, 2012, proposed rule and the April 4, 2013, proposed order to maintain the class III classification and require the filing of a PMA for SHS devices for the treatment of hepatic coma and metabolic disturbances, and to reclassify sorbent hemoperfusion devices into class II (special controls) when indicated for the treatment of poisoning and drug overdose, FDA received three comments.

The first comment disagreed with FDA's intent to reclassify SHS devices for the treatment of poisoning or drug overdose to class II, stating: "The Food and Drug Administration's (FDA's) proposal for these devices raises fundamental questions about whether the Center for Devices and Radiological Health is following the law regarding the regulation of devices that are life-sustaining or life-supporting." The commenter suggested that the devices proposed to be reclassified "are high-risk devices that can cause serious injury and death, and therefore they should remain in class III and be reviewed through the premarket approval process for all indications." FDA disagrees with this comment. According to section 513(a)(1)(C) of the FD&C Act, a class III device is defined as a device which (1) cannot be classified as a class I device because insufficient information exists to determine that the application of general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device, and (2) cannot be classified as a class II device because insufficient information exists to determine that the special controls * * * would provide reasonable assurance of its safety and effectiveness, and (3) is purported or represented to be for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health, or (4) presents a potential unreasonable risk of illness or injury. Although FDA considers SHS devices for the treatment of poisoning and drug overdose to be life-supporting or life-sustaining, a viewpoint which was supported by the panel members at the June 27, 2013, device classification panel meeting (2013 Panel), FDA believes that based on the available evidence, special controls, in addition to general controls, will provide a reasonable assurance of safety and effectiveness.

FDA also believes that, while the risks to health posed by SHS devices may be similar for its various uses, their severity in terms of patient outcomes and mitigation strategies are different for the drug overdose and poisoning uses, compared to the hepatic coma and metabolic disturbances uses. This viewpoint was supported by the 2013 Panel, as also described in section I.B. The panel provided the following rationale for recommending that SHS devices, when indicated for drug overdose and poisoning be reclassified to class II: (1) The special controls listed would be effective in providing a reasonable assurance of safety and effectiveness and (2) the risk/benefit data demonstrates that SHS devices for drug overdose and poisoning do not pose a potential unreasonable risk of illness or injury. Therefore, FDA disagrees that SHS devices intended for the treatment of poisoning and drug overdose should remain classified as class III devices.

The second commenter responded to the proposed order, reiterating the commenter's previous comments to the 2012 proposed rule. They stated their continued support for the requirement

of PMAs for SHS devices because they pose substantial risks and the benefits of these devices are "unknown" and there is "limited scientific evidence" regarding their effectiveness. They also reiterated their strong opposition to the reclassification of SHS devices for the treatment of poisoning and drug overdose. They cited FDA's statement that "the device may lead to the failure to remove drugs in the treatment of poisoning or drug overdose" as one of the reasons for supporting their PMA recommendation and believe that it is inappropriate to reclassify SHS devices for any indication. FDA continues to disagree with this comment and believes that the available scientific evidence supports the effectiveness of SHS devices for the treatment of poisoning and drug overdose. For drug overdose and poisoning cases, there is typically knowledge of the substance(s) which caused the overdose or poisoning, and SHS devices can be labeled to identify the specific substances or types of substances with which they can be used. Since the offending substances can often be identified in cases of poisoning or drug overdose, the SHS devices chosen to treat these problems can be tested with the specific substances to demonstrate their removal capabilities and the extent of removal that may be expected. As noted previously in response to Comment 1, the 2013 Panel agreed with the FDA's conclusion of reclassification for SHS devices when intended for drug overdose and poisoning and further agreed that the special controls were appropriate to mitigate the risks to health and provide a reasonable assurance of safety and effectiveness for these patient populations.

The commenter also noted that SHS devices for the treatment of hepatic coma and metabolic disturbances have a long list of health risks including platelet loss, blood loss, hypotension, toxic reactions, metabolic disturbances, and electrical shock, while there is "no proof that the device provides clinical improvement in hepatic coma and metabolic disturbances." Further, they "strongly support FDA's class III PMA recommendation, so that these products could not be sold unless new data are provided that prove their safety and efficacy for this indication." FDA agrees that SHS devices intended for the treatment of hepatic coma or metabolic disturbances be kept as class III devices for which a PMA is required to be filed. Although FDA has identified the risks to health posed by these devices in hepatic coma and metabolic disturbances uses, we believe we cannot adequately identify mitigation strategies for these risks, as they apply to these patient populations. Given the limited study of these devices and lack of evidence of clinically meaningful effectiveness for their use in the treatment of hepatic coma or metabolic disturbances, FDA does not believe that there is sufficient evidence to determine that special controls would provide reasonable assurance of safety and effectiveness for these patient populations. The panel unanimously agreed that these devices, when used for hepatic coma and metabolic disturbances, should remain in class III. They also stated that it is appropriate to maintain SHS devices for hepatic coma and metabolic disturbances in class III because they are life-supporting and life-sustaining and, because there is no clear benefit from the use of these devices in these vulnerable populations, there is a potential unreasonable risk of illness or injury.

The third commenter stated that "Premarket approvals are necessary to establish the safety and efficacy of [the SHS devices] and prove that [the] possible benefits outweigh these substantial known risks." They "agree with the FDA's conclusion that the safety and effectiveness of sorbent hemoperfusion devices has not been established by adequate scientific evidence for the treatment of hepatic coma, because only a few randomized, controlled trials have been conducted using this device, and these were small, poorly designed, and not adequately powered." They also "agree with the FDA that 'bench testing is not adequate in establishing the devices' safety and effectiveness, particularly since characterizing a sorbent hemoperfusion system's performance and adsorption capabilities has not correlated to patient outcomes, such as resolution of the patients' hepatic coma, or improvements in mortality.' Moreover, they note that 'there is no consensus [within the scientific literature] on the clinical endpoints necessary to adequately evaluate sorbent hemoperfusion devices for the treatment of hepatic coma and metabolic disturbances or on the patient populations who will benefit the most from the use of these devices.'" FDA agrees with this comment regarding the intended use of hepatic come and metabolic disturbances.

With respect to the reclassification proposal concerning SHS devices for the treatment of poisoning and drug overdose, the commenter stated "The fact that quick removal of a poison or drug can generally be expected to impact clinical outcomes does not establish that sorbent hemoperfusion is effective in treating poisoning and drug overdose. Several alternative mechanisms are available to remove poisons and drugs from the body, including (1) allowing the human body to clear a drug from the bloodstream through endogenous means (i.e. in absence of any enhanced assistance) and (2) hemodialysis. Hemodialysis is more effective at removing water-soluble low molecular weight compounds and is considered preferable to hemoperfusion because it will also correct a concurrent acid-base disturbance. It is also generally better understood and more widely available than hemoperfusion. Hemoperfusion treatment carries substantial risks, and death or long-term morbidity may result due to complications from treatment. In order to assess whether these substantial risks are outweighed by potential benefits, the device must be compared with alternative approaches in well-controlled clinical investigations." FDA disagrees with this comment in part. While hemodialysis may be more widely used as a first line therapy for drug overdose and poisoning, especially for water-soluble low molecular weight compounds, not all drugs and poisons are water-soluble. Hemoperfusion has been demonstrated to effectively remove lipids and protein-soluble substances (e.g., barbiturates, digitalis, carbamazepine, methotrexate, acetaminophen, and paraquat), as well as some water-soluble substances. Sorbent hemoperfusion system devices can be sufficiently tested on the bench for their removal capabilities using drugs and substances typically associated with overdoses and poisonings, and labeled to indicate which drugs or poisons are preferentially removed by hemoperfusion and the extent of their removal. The number of treatments required for the majority of cases of drug overdose or poisonings would be expected to be low depending on the degree of overdose, patient symptomatology, and the timing of the treatment with relation to the introduction of the toxin, thus minimizing the risks to health posed by the device. There is ample literature to establish the safety of hemoperfusion for drug overdose and poisoning. The published literature was presented to and discussed with the 2013 Panel, which helped to identify the risks to health posed by the device, and FDA believes that these known risks can be mitigated with the special controls identified. The panel agreed with reclassifying SHS devices for the

intended use of drug overdose and poisoning, and stated that FDA's list of risks to health is comprehensive and that these risks should be adequately mitigated by the special controls identified.

The commenter also opposed reclassification of SHS devices for drug overdose into class II on the ground that the proposed special controls will not adequately deter off-label use of these devices for treatment of hepatic coma and metabolic disturbances, conditions that are far more prevalent in the general population than accidental poisonings or drug overdoses. They state that they "believe that there will be substantial financial incentives for potentially harmful off-label use of these devices, and the proposed protections will fail to adequately deter such use." FDA disagrees with this comment in that we regulate the use of a device as indicated by the party offering the device for interstate commerce. The intended uses for SHS devices are limited by the codified classification.

III. The Final Order

FDA is adopting its findings as published in the preamble of the proposed order (78 FR 20268) by issuing this final order to require the filing of a PMA for the transilluminator for breast evaluation and SHS devices for the treatment of hepatic coma and metabolic disturbances under section 515(b) of the FD&C Act.

In addition, FDA is issuing this final order under section 513(e) of the FD&C Act to reclassify SHS devices for the treatment of poisoning and drug overdose from class III to class II and establish special controls. This final order will revise 21 CFR part 876.

A. Transilluminator for Breast Evaluation and SHS Devices for the Treatment of Hepatic Coma and Metabolic Disturbances

Under the final order, a PMA is required to be filed on or before 90 days after the date of publication of the final order in the **Federal Register**, for any of these class III preamendments devices that were in commercial distribution before May 28, 1976, or that has been found by FDA to be substantially equivalent to such a device on or before 90 days after the date of publication of the final order in the **Federal Register.** An approved PMA is required to be in effect for any such devices on or before 180 days after FDA files the application. Any other class III preamendments device subject to this order that was not in commercial distribution before May 28, 1976, is required to have an approved PMA in effect before it may be marketed.

If a PMA for any of the class III preamendments devices is not filed on or before the 90th day past the effective date of this final order, that device will be deemed adulterated under section 501(f)(1)(A) of the FD&C Act, and commercial distribution of the device must cease immediately. The device may, however, be distributed for investigational use, if the requirements of the IDE regulations (part 812) are met.

B. SHS Devices Intended for the Treatment of Poisoning and Drug Overdose

Following the effective date of this final order, firms submitting a 510(k) premarket notification for a SHS devices intended for the treatment of poisoning and drug overdose will need either to (1) comply with the particular mitigation measures set forth in the special controls guideline or (2) use alternative mitigation measures, but demonstrate to the Agency's satisfaction that those alternative measures identified by the firm will provide at least an equivalent assurance of safety and effectiveness.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the devices. FDA has determined that premarket notification is necessary to provide reasonable assurance of safety and effectiveness of sorbent hemoperfusion devices for the treatment of poisoning and drug overdose, and therefore, this device type is not exempt from premarket notification requirements.

An applicant whose device was legally in commercial distribution before May 28, 1976, or whose device has been found to be substantially equivalent to such a device, who does not intend to market such device for the treatment of hepatic coma, and/or metabolic disturbances may remove such intended uses from the device's labeling by initiating a correction within 90 days after issuance of any final order based on this proposal. Under 21 CFR 806.10(a)(2) a device manufacturer or importer initiating a correction to remedy a violation of the FD&C Act which may present a risk to health is required to submit a written report of the correction to FDA.

IV. Environmental Impact

The Agency has determined under 21 CFR 25.30(h) and 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act of 1995

This final order 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 part 812 have been approved under OMB control number 0910–0078; the collections of information in part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 814, subpart B, have been approved under OMB control number 0910–0231; and the collections of information under 21 CFR part 801 have been approved under OMB control number 0910–0485.

VI. Codification of Orders

Prior to the amendments by FDASIA, section 513(e) provided for FDA to issue regulations to reclassify devices and section 515(b) of the FD&C Act provided for FDA to issue regulations to require approval of an application for premarket approval for preamendments devices or devices found to be substantially equivalent to preamendments devices. Sections 513(e) and 515(b) as amended require FDA to issue final orders rather than regulations, and FDASIA provides for FDA to revoke previously issued regulations by order. FDA will continue to codify reclassifications and requirements for approval of an application for premarket approval in the Code of Federal Regulations. Therefore, under section 513(e)(1)(A)(i) of the FD&C Act, as amended by FDASIA, in this final order, we are revoking the requirements in 21 CFR 876.5870 related to the classification of sorbent hemoperfusion system devices for the treatment of poisoning and drug overdose as class III devices and codifying the reclassification of these devices into class II.

List of Subjects

21 CFR Part 876

Medical devices.

21 CFR Part 892

Medical devices, Radiation protection, X-rays.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under

authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 876 and 892 are amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for 21 CFR part 876 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Revise § 876.5870 to read as follows:

§ 876.5870 Sorbent hemoperfusion system.

(a) *Identification.* A sorbent hemoperfusion system is a prescription device that consists of an extracorporeal blood system similar to that identified in the hemodialysis system and accessories (§ 876.5820) and a container filled with adsorbent material that removes a wide range of substances, both toxic and normal, from blood flowing through it. The adsorbent materials are usually activated-carbon or resins which may be coated or immobilized to prevent fine particles entering the patient's blood. The generic type of device may include lines and filters specifically designed to connect the device to the extracorporeal blood system. The device is used in the treatment of poisoning, drug overdose, hepatic coma, or metabolic disturbances.

(b) *Classification.* (1) Class II (special controls) when the device is intended for the treatment of poisoning and drug overdose. The special controls for this device are:

(i) The device must be demonstrated to be biocompatible;

(ii) Performance data must demonstrate the mechanical integrity of the device (e.g., tensile, flexural, and structural strength), including testing for the possibility of leaks, ruptures, release of particles, and/or disconnections under anticipated conditions of use;

(iii) Performance data must demonstrate device sterility and shelf life;

(iv) Bench performance testing must demonstrate device functionality in terms of substances, toxins, and drugs removed by the device, and the extent that these are removed when the device is used according to its labeling, and to validate the device's safeguards;

(v) A summary of clinical experience with the device that discusses and analyzes device safety and performance, including a list of adverse events observed during the testing, must be provided;

(vi) Labeling must include the following:

(A) A detailed summary of the device-related and procedure-related complications pertinent to the use of the device;

(B) A summary of the performance data provided for the device, including a list of the drugs and/or poisons the device has been demonstrated to remove, and the extent for removal/depletion; and

(vii) For those devices that incorporate electrical components, appropriate analysis and testing must be conducted to verify electrical safety and electromagnetic compatibility of the device.

(2) Class III (premarket approval) when the device is intended for the treatment of hepatic coma and metabolic disturbances.

(c) *Date premarket approval application (PMA) or notice of completion of product development protocol (PDP) is required.* A PMA or notice of completion of a PDP is required to be filed with FDA by April 17, 2014, for any sorbent hemoperfusion system indicated for treatment of hepatic coma or metabolic disturbances that was in commercial distribution before May 28, 1976, or that has, by April 17, 2014, been found to be substantially equivalent to any sorbent hemoperfusion device indicated for treatment of hepatic coma or metabolic disturbances that was in commercial distribution before May 28, 1976. Any other sorbent hemoperfusion system device indicated for treatment of hepatic coma or metabolic disturbances shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

PART 892—RADIOLOGY DEVICES

■ 3. The authority citation for 21 CFR part 892 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 4. Revise § 892.1990(c) to read as follows:

§ 892.1990 Transilluminator for breast evaluation.

* * * * *

(c) *Date premarket approval (PMA) or notice of completion of product development protocol (PDP) is required.* A PMA or notice of completion of a PDP is required to be filed with FDA by April 17, 2014, for any transilluminator for breast evaluation that was in commercial distribution before May 28, 1976, or that has, by April 17, 2014, been found to be substantially equivalent to any transilluminator for breast evaluation that was in commercial distribution before May 28, 1976. Any other transilluminator for breast evaluation shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

Dated: January 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00873 Filed 1–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9654]

RIN 1545–BL01

Guidance for Determining Stock Ownership

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains temporary regulations that identify certain stock of a foreign corporation that is disregarded in calculating ownership of the foreign corporation for purposes of determining whether it is a surrogate foreign corporation. These regulations also provide guidance with respect to the effect of transfers of stock of a foreign corporation after the foreign corporation has acquired substantially all of the properties of a domestic corporation or of a trade or business of a domestic partnership. These regulations affect certain domestic corporations and partnerships (and certain parties related thereto), and foreign corporations that acquire substantially all of the properties of such domestic corporations or of the trades or businesses of such domestic partnerships. The text of the temporary regulations serves as the text of the proposed regulations set forth in the Proposed Rules section in this issue of the **Federal Register**. This document also contains a final regulation that provides a cross-reference to the temporary regulations.

DATES: *Effective Date:* These regulations are effective on January 17, 2014.

Applicability Dates: For dates of applicability, see §§ 1.7874–4T(k) and 1.7874–5T(c).

FOR FURTHER INFORMATION CONTACT: David A. Levine, (202) 317–6937 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

A. Section 7874—In General

A foreign corporation (foreign acquiring corporation) generally is treated as a surrogate foreign corporation under section 7874(a)(2)(B) of the Internal Revenue Code if pursuant to a plan (or a series of related transactions): (i) The foreign acquiring corporation completes after March 4, 2003, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation; (ii) after the acquisition, at least 60 percent of the stock (by vote or value) of the foreign acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; and (iii) after the acquisition, the expanded affiliated group that includes the foreign acquiring corporation does not have substantial business activities in the foreign country in which, or under the law of which, the foreign acquiring corporation is created or organized, when compared to the total business activities of the expanded affiliated group. Similar provisions apply if a foreign acquiring corporation acquires substantially all of the properties constituting a trade or business of a domestic partnership.

Under section 7874(c)(2)(B) (statutory public offering rule), stock of the foreign acquiring corporation that is sold in a public offering related to the acquisition described in section 7874(a)(2)(B)(i) (acquisition) is not taken into account for purposes of calculating the ownership percentage described in section 7874(a)(2)(B)(ii) (ownership fraction). The statutory public offering rule furthers the policy that section 7874 is intended to curtail inversion transactions that "permit corporations and other entities to continue to conduct business in the same manner as they did prior to the inversion." S. Rep. No. 192, 108th Cong., 1st. Sess. 142 (2003); Joint Committee on Taxation, General Explanation of Tax Legislation Enacted in the 108th Congress (JCS–5–05) (May 2005), at 343.

Under section 7874(c)(4), a transfer of properties or liabilities (including by contribution or distribution) is disregarded if such transfer is part of a plan a principal purpose of which is to avoid the purposes of section 7874. Section 7874(c)(6) grants the Secretary authority to prescribe regulations as may be appropriate to determine whether a corporation is a surrogate foreign corporation, including regulations to treat stock as not stock. In addition, section 7874(g) grants the Secretary authority to provide regulations necessary to carry out section 7874, including regulations adjusting the application of section 7874 as necessary to prevent the avoidance of the purposes of section 7874.

B. Notice 2009–78

On September 17, 2009, the IRS and the Department of the Treasury (Treasury Department) issued Notice 2009–78 (2009–40 IRB 452) (notice), which announced that regulations would be issued under section 7874 to identify certain stock of a foreign acquiring corporation that is not taken into account in determining the ownership fraction. See § 601.601(d)(2)(ii)(*b*) of this chapter.

The notice states that regulations will provide that stock of the foreign acquiring corporation issued in exchange for "nonqualified property" in a transaction related to the acquisition is not taken into account for purposes of the ownership fraction, without regard to whether such stock is publicly traded on the date of issuance or otherwise. The notice further provides that the term nonqualified property generally will mean: (i) Cash or cash equivalents; (ii) marketable securities as defined in section 453(f)(2); and (iii) any other property acquired in a transaction with a principal purpose of avoiding the purposes of section 7874.

The notice also states that regulations will clarify that certain stock of the foreign acquiring corporation, including certain stock otherwise described in the statutory public offering rule, nonetheless will be taken into account for purposes of the ownership fraction. Specifically, the notice states that marketable securities will not include stock of (or a partnership interest in) a member of the expanded affiliated group (as defined in section 7874(c)(1)) that, after the acquisition, includes the foreign acquiring corporation, unless a principal purpose of issuing the stock of the foreign acquiring corporation in exchange for such stock or partnership interest was the avoidance of the purposes of section 7874. Accordingly, even if issued in a public offering, stock of the foreign acquiring corporation issued in exchange for stock of (or a partnership interest in) a member of the expanded affiliated group that, after the acquisition, includes the foreign acquiring corporation, will be taken into account for purposes of the ownership fraction, unless a principal purpose of issuing the stock of the foreign acquiring corporation in exchange for such stock or partnership interest was the avoidance of the purposes of section 7874.

The notice provides that the regulations will apply to acquisitions completed on or after September 17, 2009.

The temporary regulations set forth the rules described in the notice, subject to certain modifications, in part, to address comments received.

Explanation of Provisions

A. New Exclusion Rule Modifies the Statutory Public Offering Rule

Under the statutory public offering rule of section 7874(c)(2)(B), stock of the foreign acquiring corporation is not taken into account for purposes of the ownership fraction if the stock is sold in a public offering related to the acquisition. Absent the statutory public offering rule, the purposes of section 7874 could be avoided by having the foreign acquiring corporation issue stock to the public in exchange for cash in order to reduce the ownership fraction while not significantly altering the manner in which the domestic entity did business before the inversion transaction. Consistent with the notice, the IRS and the Treasury Department believe that stock of the foreign acquiring corporation transferred in exchange for certain property in a transaction related to the acquisition, but not through a public offering, presents the same opportunity to inappropriately reduce the ownership fraction. For example, a private placement of the stock of a foreign acquiring corporation in exchange for cash raises the same policy concern that the ownership fraction will be inappropriately reduced by increasing the net assets of the foreign acquiring corporation.

Consistent with the notice, the IRS and the Treasury Department also believe that the statutory public offering rule can result in an over-inclusive application of section 7874 to certain business combinations. That is, the statutory public offering rule can apply to certain business combinations in which the unrelated shareholders of a foreign target corporation receive publicly traded stock of the foreign acquiring corporation in transactions that, while they do increase the net assets of the foreign acquiring corporation, generally are expected to meaningfully alter the way the expanded affiliated group that includes the foreign acquiring corporation does business and therefore such publicly traded stock should be taken into account in calculating the ownership fraction.

To address these concerns, the temporary regulations modify the

statutory public offering rule (as modified, the exclusion rule). Specifically, the exclusion rule provides that, subject to a de minimis exception, disqualified stock (described in section B of this preamble) is excluded from the denominator of the ownership fraction. Because the determination of whether stock of the foreign acquiring corporation is disqualified stock is made without regard to whether it is publicly traded at the time of the transfer or at any other time, the exclusion rule under the temporary regulations addresses the potentially under-inclusive application of section 7874 under the statutory public offering rule. Moreover, although the notice excluded stock of the foreign acquiring corporation from the denominator of the ownership fraction only when there was an issuance of such stock, the IRS and the Treasury Department do not believe the exclusion rule should be limited to stock of the foreign acquiring corporation that is issued in the transaction. Accordingly, under the temporary regulations, disqualified stock is stock of the foreign acquiring corporation that is transferred in a manner described in the temporary regulations, regardless of whether the transfer occurs by reason of an issuance, sale, distribution, exchange, or any other type of disposition and regardless of whether the stock is transferred by the foreign acquiring corporation or another person.

The temporary regulations describe all situations in which stock will be excluded from the denominator of the ownership fraction under section 7874(c)(2)(B). Thus, even when a foreign acquiring corporation issues stock in a public offering, the statutory public offering rule will not exclude such stock from the denominator unless the stock is disqualified stock. Accordingly, the exclusion rule also addresses the potentially over-inclusive application of the statutory public offering rule.

Because stock of the foreign acquiring corporation held by former shareholders or former partners by reason of holding stock or a partnership interest in the domestic entity will never be subject to the nonqualified property rule or the associated liability rule, the exclusion rule will never apply to such stock.

B. Identifying Stock of the Foreign Acquiring Corporation That Is Disqualified Stock

1. Stock Transferred in a Transaction That Does Not Increase the Net Assets of the Foreign Acquiring Corporation Is Not Disqualified Stock

Comments questioned whether the rules described in the notice would exclude from the denominator of the ownership fraction stock of the foreign acquiring corporation that is transferred by persons that are not members of the expanded affiliated group that includes the foreign acquiring corporation in exchange for nonqualified property. Such a transfer may occur, for example, if an individual holds stock of the foreign acquiring corporation at the time of the acquisition and sells such stock to another individual for cash (which is nonqualified property) in a transaction related to the acquisition.

The purpose of the exclusion rule is to prevent certain stock of the foreign acquiring corporation that is transferred in a transaction that increases the net assets of the foreign acquiring corporation from inappropriately increasing the denominator of the ownership fraction and thereby reducing the ownership fraction. Thus, provided that the stock of the foreign acquiring corporation that is transferred is not hook stock (that is, where the foreign acquiring corporation holds a direct or indirect interest in the selling shareholder), the IRS and the Treasury Department do not believe that the exclusion rule should apply to transfers of stock by a shareholder of the foreign acquiring corporation to another person because such transfers do not increase the net assets of the foreign acquiring corporation. Accordingly, the temporary regulations provide that stock of the foreign acquiring corporation is disqualified stock if the stock is transferred in exchange for certain property but only to the extent the exchange increases the net assets of the foreign acquiring corporation (that is, the exchange increases the fair market value of the assets of the foreign acquiring corporation or decreases the amount of its liabilities). The extent to which such an exchange increases the net assets of the foreign acquiring corporation is determined on a transfer-by-transfer basis. Therefore, a related transaction that might decrease the net assets of the foreign acquiring corporation, such as a related distribution by the foreign acquiring corporation with respect to its stock, is not taken into account for purposes of determining whether a specific transfer of stock in exchange for property increases the net assets of the foreign acquiring corporation.

2. Stock of the Foreign Acquiring Corporation That Generally Is Disqualified Stock

Under the temporary regulations, stock of the foreign acquiring corporation that is transferred in any transaction described in section B.2.a. or B.2.b. of the preamble is treated as disqualified stock if the transaction is related to the acquisition, unless the exception described in section B.1. of the preamble applies.

(a) Transfers of Stock in Exchange for Nonqualified Property

Disqualified stock includes stock of the foreign acquiring corporation that is transferred to a person other than the domestic entity in exchange for nonqualified property (nonqualified property rule). Transfers of stock of the foreign acquiring corporation to the domestic entity in exchange for nonqualified property are not subject to the nonqualified property rule because such transferred stock generally is treated as either: (i) Stock that is received by reason of holding stock or a partnership interest in the domestic entity (for example, if the domestic entity is a corporation that distributes the transferred stock to its shareholders in cancellation of their stock in the domestic entity), and, therefore, generally is included in the numerator and the denominator of the ownership fraction; or (ii) disqualified stock under the associated obligation rule described in paragraph (b) of this section B.2. of the preamble.

The term *nonqualified property* means: (i) Cash or cash equivalents; (ii) marketable securities within the meaning of section 453(f)(2), as modified by the temporary regulations; (iii) a disqualified obligation; or (iv) any other property acquired in a transaction (or series of transactions) related to the acquisition with a principal purpose of avoiding the purposes of section 7874. A disqualified obligation is an obligation (as defined in § 1.752–1(a)(4)(ii)) of any of the following persons: (i) A member of the expanded affiliated group that includes the foreign acquiring corporation; (ii) a former shareholder (within the meaning of § 1.7874–2(b)(2)) or former partner (within the meaning of § 1.7874–2(b)(3)) of the domestic entity; or (iii) a person that, before or after the acquisition, either owns stock of, or a partnership interest in, any person described in (i) or (ii) or is related (within the meaning of section 267 or 707(b)) to any such persons.

In the notice, the definition of nonqualified property includes cash, cash equivalents, and marketable securities, but not a disqualified obligation. Nevertheless, based on further consideration, the IRS and the Treasury Department believe that, for purposes of the temporary regulations, a transfer of stock of the foreign acquiring corporation in exchange for a

disqualified obligation should be treated similarly to transfers of stock of the foreign acquiring corporation in exchange for cash, cash equivalents, and marketable securities because such transfers present similar opportunities to inappropriately reduce the ownership fraction by increasing the net assets of the foreign acquiring corporation.

Consistent with the notice, the temporary regulations exclude from the definition of marketable securities (which constitute nonqualified property) stock of a corporation (or an interest in a partnership) that becomes a member of the expanded affiliated group that includes the foreign acquiring corporation in a transaction related to the acquisition, unless a principal purpose of the acquisition of such stock (or partnership interest) was the avoidance of the purposes of section 7874. Thus, for example, subject to an anti-abuse rule, publicly traded stock of a foreign target corporation does not constitute marketable securities for purposes of the temporary regulations and therefore is not nonqualified property.

In addition, the IRS and the Treasury Department believe that a transfer of stock of the foreign acquiring corporation in exchange for the satisfaction or the assumption of an obligation of the transferor should be treated similarly to a transfer of stock of the foreign acquiring corporation in exchange for nonqualified property because such a transfer also presents opportunities to inappropriately reduce the ownership fraction by increasing the net assets of the foreign acquiring corporation. For example, if the foreign acquiring corporation is a debtor with respect to an obligation and satisfies the obligation with its stock, the transfer of the stock to the creditor in satisfaction of the obligation increases the net assets of the foreign acquiring corporation, and, absent a special rule, would increase the denominator of the ownership fraction. Accordingly, under the temporary regulations, disqualified stock includes stock of the foreign acquiring corporation that is transferred to a person other than the domestic entity in exchange for the satisfaction or the assumption of an obligation of the transferor. Solely for purposes of applying the temporary regulations, stock of the foreign acquiring corporation described in the preceding sentence is treated as if it were transferred to the transferee in exchange for an amount of cash (which is nonqualified property) equal to the fair market value of the stock of the foreign acquiring corporation that is transferred in exchange for the satisfaction or the assumption of the obligation.

One comment suggested that the phrase "related to the acquisition" in section 7874(c)(2)(B) can be read to suggest that the statutory public offering rule should apply only if the proceeds of a public offering are used to acquire, or fund the business of, the domestic entity. Accordingly, the comment suggested that the statutory public offering rule should not apply if, for example, the proceeds are used to acquire business assets unrelated to those of the domestic entity. Another comment recommended an exception to the statutory public offering rule for offerings that further a significant business purpose, such as allowing an insolvent domestic entity to continue its operations. The IRS and the Treasury Department believe that the use of the offering proceeds is irrelevant to the application of the statutory public offering rule. Neither the statute nor the legislative history indicates that Congress intended for the statutory public offering rule to apply based on the use of the proceeds. Accordingly, the temporary regulations do not adopt these recommendations. Therefore, the determination of whether stock of the foreign acquiring corporation transferred in exchange for nonqualified property is disqualified stock is made without regard to the use of the nonqualified property.

(b) Subsequent Transfers of Stock in Exchange for the Satisfaction or the Assumption of an Obligation Associated With Property Exchanged

The IRS and the Treasury Department believe that a transfer of stock of the foreign acquiring corporation in exchange for property when the transferee subsequently transfers the stock in exchange for the satisfaction or the assumption of the transferee's obligations associated with the property exchanged also presents opportunities to inappropriately decrease the ownership fraction. For example, assume that a domestic entity (DE) has $100x of assets employed in a trade or business and $25x of obligations that arose from conducting that trade or business. A foreign acquiring corporation (FA) wants to acquire all the assets of DE in a transaction in which DE will liquidate. FA could acquire the $100x of assets of DE by issuing $75x of stock and assuming the $25x of obligations, in which case DE would distribute the $75x of FA stock to its shareholders in liquidation. Alternatively, FA could acquire the $100x of assets of DE by issuing $100x of stock and not assuming the $25x of obligations, in which case DE would transfer $25x of FA stock to satisfy the $25x of obligations and distribute the remaining $75x of FA stock to its shareholders in liquidation. In either case, the shareholders of DE will receive $75x of FA stock by reason of holding stock in DE and FA will own the $100x of assets formerly owned by DE; however, absent a special rule, the denominator of the ownership fraction would not be the same in both cases. In the first case, the denominator would include only $75x of FA stock and FA would owe the $25x of obligations. In the second case, the denominator would include $100x of FA stock and FA would not owe the $25x of obligations. In the latter case, the ownership fraction would be inappropriately reduced.

Accordingly, to address such transfers, the temporary regulations provide that disqualified stock includes stock of the foreign acquiring corporation transferred to a person (including the domestic entity) in exchange for property to the extent, pursuant to the same plan (or series of related transactions), the transferee subsequently transfers the stock in exchange for the satisfaction or the assumption of an obligation associated with the property exchanged (associated obligation rule). An obligation is associated with property exchanged if, for example, the obligation arose from the conduct of a trade or business in which the property exchanged has been used, regardless of whether the obligation is a non-recourse obligation. For an example of a rule that applies when liabilities associated with a trade or business are assumed by a corporate transferee of the trade or business in certain nonrecognition exchanges, see section 358(h)(2).

In this case, the requirement that the transfer of stock of the foreign acquiring corporation increase the net assets of the foreign acquiring corporation applies only with respect to the transfer of the stock in exchange for property of the transferee, and not with respect to the subsequent transfer of the stock of the foreign acquiring corporation by the transferee in exchange for the satisfaction or the assumption of an obligation of the transferee.

Unlike the nonqualified property rule, which does not apply to a transfer of stock of the foreign acquiring corporation to the domestic entity, the associated obligation rule may apply to a transfer of stock of the foreign acquiring corporation to the domestic entity to the extent the stock is subsequently transferred by the domestic entity in exchange for the satisfaction or the assumption of one or

more of the domestic entity's obligations associated with the property exchanged. This treatment is appropriate because, in such a case, the stock of the foreign acquiring corporation transferred will not be included in the numerator of the ownership fraction (because the creditor with respect to the obligation or the person that assumes the obligation, as the case may be, does not receive the stock of the foreign acquiring corporation by reason of holding stock or a partnership interest in the domestic entity).

The temporary regulations limit the application of the associated obligation rule when the property exchanged (including cash deemed to be exchanged when stock of the foreign acquiring corporation is transferred in exchange for the satisfaction or the assumption of an obligation of the transferor) includes nonqualified property and the person exchanging the property is not the domestic entity. The limitation has the effect of treating a portion of the obligation as being satisfied with stock of the foreign acquiring corporation that is disqualified stock under the nonqualified property rule (with the result that such portion does not give rise to additional disqualified stock under the associated obligation rule) and the remaining portion of the obligation as being satisfied with stock of the foreign acquiring corporation that is not disqualified stock under the nonqualified property rule (with the result that satisfaction of this portion of the obligation with stock of the foreign acquiring corporation gives rise to additional disqualified stock under the associated obligation rule). The portions of an obligation described in the preceding sentence are determined based on the relative amount of nonqualified property and qualified property exchanged, respectively. This limitation does not apply when stock of the foreign acquiring corporation is transferred to the domestic entity because the nonqualified property rule does not apply to such transfers of stock.

C. Different Treatment for Stock and Asset Acquisitions

One comment noted that under the notice the amount of nonqualified property exchanged for stock of the foreign acquiring corporation can differ depending on whether the stock or assets of a corporation are acquired. For example, if a foreign acquiring corporation issues stock in exchange for all of the stock of another foreign corporation in a transaction related to the acquisition, none of the stock of the foreign acquiring corporation is considered to be issued in exchange for nonqualified property, without regard to whether the acquired foreign corporation held nonqualified property, unless a principal purpose of the acquisition of the stock of such acquired foreign corporation is the avoidance of the purposes of section 7874. The comment further noted that, if the transaction instead is structured as the acquisition of all the assets of the acquired foreign corporation, the stock of the foreign acquiring corporation would not be taken into account to the extent it is treated as issued in exchange for nonqualified property held by the acquired foreign corporation. The comment suggested that the dissimilar treatment is not supported by policy and raises form-over-substance concerns.

The structure of a transaction as an acquisition of stock or assets can often result in different U.S. tax consequences. In addition, the IRS and the Treasury Department believe that the complexity of adopting rules to harmonize the treatment of stock and asset acquisitions, such as by applying a look-through approach to stock acquisitions, would outweigh the benefits of consistent treatment. Moreover, the IRS and the Treasury Department believe that the treatment of property acquired in a transaction with a principal purpose of avoiding the purposes of section 7874 as nonqualified property addresses the concern that taxpayers may exploit this dissimilar treatment by engaging in transactions intended to convert nonqualified property into stock that is not nonqualified property. See *Example 2* of § 1.7874–4T(j) of the temporary regulations. Accordingly, the temporary regulations do not adopt this recommendation.

D. De Minimis Exception

Comments asserted that both the statutory public offering rule and the rule set forth in the notice that disregards stock issued in exchange for nonqualified property can lead to inappropriate results when the former owners of the domestic entity own only a minimal equity interest in the foreign acquiring corporation after the acquisition. These comments recommended that, in such a case, the regulations provide exceptions from the application of those rules.

First, comments recommended an exception for large cash public or private offerings where the cash remains in the foreign acquiring corporation and results in a change of ownership in the domestic entity of such a magnitude that the predominant effect of the transaction is that of a sale or joint venture. Because such offerings have independent economic significance, comments suggested that they should not be treated as "related to" the acquisition, so that they would be taken into account for purposes of the ownership fraction.

Second, comments recommended an exception for transactions that in substance resemble a purchase by the foreign acquiring corporation of a substantial portion of the stock of the domestic entity from the former owners of the domestic entity. The comments asserted that this may occur, for example, when a significant amount of the consideration received by the former owners of the domestic entity is cash (or other nonqualified property) that, related to the acquisition, was received by the foreign acquiring corporation in exchange for its stock (which stock would not be taken into account in determining the ownership fraction under the notice). The comments stated that section 7874 should not apply to such transactions because the former owners of the domestic entity sold the majority of their interests in the domestic entity. These comments recommended that the exclusion rule be limited to transactions in which the former owners of the domestic entity own at least a threshold percentage of the equity of the foreign acquiring corporation.

The IRS and the Treasury Department agree that an exception from the exclusion rule is appropriate for certain transactions, but believe that any such exception should apply only when the former owners of the domestic entity own a de minimis equity interest in the foreign acquiring corporation after the acquisition. Accordingly, the temporary regulations provide that the exclusion rule will not apply to certain transactions involving unrelated parties if the ownership fraction, determined without regard to the exclusion rule, is less than five percent (by vote and value).

E. Effect of Subsequent Transfers of Stock of the Foreign Acquiring Corporation Related to the Acquisition

Comments questioned the effect on the ownership fraction of certain subsequent transfers of stock of the foreign acquiring corporation in transactions related to the acquisition. This may occur, for example, when former shareholders of the domestic corporation receive stock of the foreign acquiring corporation by reason of holding stock in the domestic corporation and then transfer that stock to another person pursuant to the terms

of a binding commitment that was in effect at the time of the acquisition.

The IRS and the Treasury Department believe that determining the ownership fraction by taking into account such subsequent transfers of stock of the foreign acquiring corporation could inappropriately reduce the numerator of the ownership fraction and thereby reduce the ownership fraction. For example, if such a subsequent transfer of stock of the foreign acquiring corporation were taken into account in determining the ownership fraction, the exclusion rule could be avoided by restructuring an inversion transaction so that an investor participates by purchasing stock of the foreign acquiring corporation received by a former owner of the domestic entity instead of purchasing newly issued stock of the foreign acquiring corporation. Accordingly, the temporary regulations clarify that stock of the foreign acquiring corporation that is described in section 7874(a)(2)(B)(ii) will not cease to be so described as a result of any subsequent transfer of the stock by the former shareholder or former partner of the domestic entity that received such stock, even if the subsequent transfer is related to the acquisition.

In addition, the IRS and the Treasury Department continue to study the extent to which such subsequent transfers of stock of the foreign acquiring corporation should be taken into account in applying section 7874(c)(2)(A) (which disregards stock held by members of the expanded affiliated group that includes the foreign acquiring corporation) and § 1.7874–1 (which provides exceptions to the application of section 7874(c)(2)(A)) (collectively, with the rule of section 7874(c)(2)(A), the expanded affiliated group rules). Section K of the preamble to temporary and final regulations published on June 12, 2009 (TD 9453, 2009–28 IRB 114), describes certain divisive transactions described in section 355 that involve subsequent distributions by a corporation of the stock of the foreign acquiring corporation that is described in section 7874(a)(2)(B)(ii). These issues can also arise when there is a subsequent sale by a corporation of the stock of the foreign acquiring corporation, or in connection with an acquisitive asset reorganization described in section 368 in which the target corporation distributes such stock. In each of these cases, a corporation receives and only temporarily holds the stock of the foreign acquiring corporation, and, after the transfer of such stock, the corporation no longer is a member of the expanded affiliated group that includes the foreign acquiring corporation. The IRS and the Treasury Department request comments on whether different results may be appropriate depending on whether the corporation that receives the stock of the foreign acquiring corporation and only temporarily holds that stock is a foreign or domestic corporation.

F. Interaction of Exclusion Rule With Expanded Affiliated Group Rules

One comment questioned the interaction of the rules set forth in the notice with the expanded affiliated group rules in cases other than those involving subsequent transfers of the stock of the foreign acquiring corporation (which are discussed in section E of this preamble). The comment suggested that stock of the foreign acquiring corporation that is disregarded under the rules set forth in the notice nonetheless should be taken into account for purposes of determining whether an entity is a member of an expanded affiliated group that includes the foreign acquiring corporation under section 7874(c)(2)(A), as well as for purposes of the "internal group restructuring" and "loss of control" exceptions to section 7874(c)(2)(A) provided in § 1.7874–1(c). The comment further suggested that the policy underlying the internal group restructuring and loss of control exceptions requires that stock that would be included in the denominator of the ownership fraction under those exceptions should continue to be so included even if such stock would otherwise be excluded under the exclusion rule.

The IRS and the Treasury Department believe that the policies underlying the exclusion rule differ from those underlying the expanded affiliated group rules such that they should operate independently. Because the exclusion rule and the expanded affiliated group rules operate independently, the IRS and the Treasury Department do not believe that qualification for the internal group restructuring or loss of control exceptions should cause stock of the foreign acquiring corporation that would otherwise be excluded from the denominator of the ownership fraction under the exclusion rule to be included in the denominator of the ownership fraction. Instead, the IRS and the Treasury Department believe that the de minimis exception is the appropriate exception to the exclusion rule when the former owners own only a small equity interest in the foreign acquiring corporation after the acquisition. Accordingly, the temporary regulations provide that stock of the foreign acquiring corporation to which the exclusion rule applies is not included in the denominator of the ownership fraction regardless of whether it would otherwise be included in the denominator as a result of the acquisition being described in the internal group restructuring exception or loss of control exception. That is, stock of the foreign acquiring corporation will not be taken into account in the denominator of the ownership fraction if either the exclusion rule or the expanded affiliated group rule set forth in section 7874(c)(2)(A) and § 1.7874–1(b) applies to such stock. However, consistent with the comment, the temporary regulations provide that the exclusion rule does not apply for purposes of applying the expanded affiliated group rules.

G. Certain Public Offerings

The IRS and the Treasury Department are aware that the de minimis exception (described in section D of this preamble) may facilitate the acquisition of a domestic corporation by a foreign corporation in circumstances that implicate the policies underlying section 7874. This may occur, for example, in connection with the buyout of a publicly traded domestic corporation. In such a transaction, the buyer may contribute cash to a newly formed foreign acquiring corporation that uses such cash, along with the proceeds from borrowings and a small amount of its stock, to acquire all of the stock of a publicly traded domestic corporation. The small amount of stock of the foreign acquiring corporation often is issued to the management of the domestic corporation. After a period of time, the buyer may sell its stock of the foreign acquiring corporation pursuant to a public offering. The public offering of the stock of the foreign acquiring corporation may have been one of the intended exit strategies of the buyer when it organized the foreign acquiring corporation to acquire the stock of the domestic corporation.

The IRS and the Treasury Department believe that these transactions, which have the effect of converting a publicly traded domestic corporation into a publicly traded foreign corporation over time, can be viewed as inconsistent with the policies underlying section 7874. The IRS and the Treasury Department are studying these transactions and request comments on the application of section 7874 to such transactions.

H. Effective/Applicability Date

The rules described in the notice and set forth in the temporary regulations apply to acquisitions completed on or after September 17, 2009. All other rules set forth in the temporary regulations apply to acquisitions completed on or after January 16, 2014. However, a taxpayer may elect to apply all the rules of the temporary regulations to acquisitions completed before January 16, 2014 if the taxpayer applies all of the rules consistently to all acquisitions completed before such date.

Comments recommended an exception to the rules described in the notice for transactions that were subject to a binding commitment but not completed before September 17, 2009. Because the rules described in the notice address transactions that are intended to avoid the purposes of section 7874, the IRS and the Treasury Department do not believe that providing a binding commitment exception is appropriate. Therefore, the applicability date in the temporary regulations does not include a binding commitment exception.

No inference is intended as to the treatment of transactions described in the temporary regulations under the law before the applicability date of these regulations. The IRS may, where appropriate, challenge such transactions under applicable provisions, including under section 7874(c)(4) or judicial doctrines such as the substance-over-form doctrine.

Effect on Other Documents

Notice 2009–78 (2009–40 IRB 452) is obsolete as of January 16, 2014.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. For the applicability of the Regulatory Flexibility Act (5 U.S.C. chapter 6), refer to the Special Analyses section of the preamble of the cross-referenced notice of proposed rulemaking published in this issue of the **Federal Register**. Pursuant to section 7805(f), these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal authors of the temporary regulations are David A. Levine of the Office of Associate Chief Counsel (International) and Mary W. Lyons, formerly of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding entries in numerical order to read as follows:

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

Section 1.7874–4T also issued under 26 U.S.C. 7874(c)(6) and (g).

Section 1.7874–5T also issued under 26 U.S.C. 7874(c)(6) and (g).

■ **Par. 2.** Section 1.7874–1 is amended by adding a sentence at the end of paragraph (c)(1) to read as follows:

§ 1.7874–1 Disregard of affiliate-owned stock.

* * * * *

(c) * * * (1) * * * For rules addressing the interaction of this section and § 1.7874–4T, see § 1.7874–4T(h).

* * * * *

■ **Par. 3.** Section 1.7874–4T is added to read as follows:

§ 1.7874–4T Disregard of certain stock related to the acquisition (temporary).

(a) *Scope.* This section identifies certain stock of the foreign acquiring corporation that is disregarded in determining the ownership fraction (as defined in paragraph (i)(9) of this section) and modifies the scope of section 7874(c)(2)(B). Paragraph (b) of this section sets forth the general rule that certain stock of the foreign acquiring corporation, and only such stock, is treated as stock described in section 7874(c)(2)(B) and therefore is excluded from the denominator of the ownership fraction. Paragraph (c) of this section identifies the stock of the foreign acquiring corporation that is subject to paragraph (b) of this section. Paragraph (d) of this section provides a de minimis exception to the application of the general exclusion rule of paragraph (b) of this section. Paragraph (e) of this section addresses transfers of stock of the foreign acquiring corporation involving certain obligations. Paragraph (f) of this section provides rules for certain transfers of stock of the foreign acquiring corporation involving multiple properties or obligations. Paragraph (g) of this section provides rules for the treatment of partnerships, and paragraph (h) of this section provides rules addressing the interaction of this section with the expanded affiliated group rules of section 7874(c)(2)(A) and § 1.7874–1. Paragraph (i) of this section provides definitions. Paragraph (j) of this section provides examples illustrating the application of the rules of this section. Paragraph (k) of this section provides dates of applicability, and paragraph (l) of this section provides the date of expiration.

(b) *Exclusion of disqualified stock under section 7874(c)(2)(B).* Except as provided in paragraph (d) of this section, disqualified stock (as determined under paragraph (c) of this section) is treated as stock described in section 7874(c)(2)(B) and therefore is not included in the denominator of the ownership fraction. Section 7874(c)(2)(B) shall not apply to exclude stock from the denominator of the ownership fraction that is not disqualified stock.

(c) *Disqualified stock*—(1) *General rule.* Except as provided in paragraph (c)(2) of this section, disqualified stock is stock of the foreign acquiring corporation that is transferred in an exchange described in paragraph (c)(1)(i) or (c)(1)(ii) of this section that is related to the acquisition. This paragraph (c) applies without regard to whether the stock of the foreign acquiring corporation is publicly traded at the time of the transfer or at any other time.

(i) *Exchange for nonqualified property.* The stock is transferred to a person other than the domestic entity in exchange for nonqualified property. See *Example 1, Example 2, Example 5, Example 7,* and *Example 8* of paragraph (j) of this section for illustrations of this paragraph (c)(1)(i).

(ii) *Certain obligations associated with property exchanged for stock.* Except as otherwise provided in this paragraph (c)(1)(ii), the stock is transferred to a person in exchange for property and, pursuant to the same plan (or series of related transactions), the transferee subsequently transfers such stock in exchange for the satisfaction or the assumption of one or more obligations associated with the property exchanged. An obligation is associated with property exchanged if, for example, the obligation arose from the conduct of a trade or business in which the property exchanged has been used, regardless of whether the obligation is a non-recourse obligation. If any of the property exchanged constitutes

nonqualified property and the transferee is not the domestic entity, the amount of stock described in this paragraph (c)(1)(ii) is limited to the product of:

(A) The fair market value of the stock subsequently transferred by the transferee in exchange for the satisfaction or the assumption of such obligations; and

(B) A fraction, the numerator of which is the amount of qualified property exchanged by the transferee, and the denominator of which is the total amount of property exchanged by the transferee. See *Example 5* of paragraph (j) of this section for an illustration of this paragraph (c)(1)(ii).

(2) *Stock transferred in an exchange that does not increase the fair market value of the assets or decrease the amount of liabilities of the foreign acquiring corporation.* Stock is disqualified stock only to the extent that the transfer of the stock in the exchange increases the fair market value of the assets of the foreign acquiring corporation or decreases the amount of its liabilities. This paragraph (c)(2) is applied to an exchange without regard to any other exchange described in paragraph (c)(1)(i) or (c)(1)(ii) of this section or any other transaction related to the acquisition. See *Example 3* and *Example 6* of paragraph (j) of this section for illustrations of this paragraph (c)(2).

(d) *Exception to exclusion of disqualified stock*—(1) *De minimis ownership.* Except as provided in paragraph (d)(2) of this section, paragraph (b) of this section does not apply if both:

(i) The ownership percentage described in section 7874(a)(2)(B)(ii), determined without regard to the application of paragraph (b) of this section, is less than five percent (by vote and value); and

(ii) After the acquisition and all transactions related to the acquisition, if any, are completed, former shareholders (within the meaning of § 1.7874–2(b)(2)) or former partners (within the meaning of § 1.7874–2(b)(3)), as applicable, in the aggregate, own (applying the attribution rules of section 318(a) with the modifications described in section 304(c)(3)(B)) less than five percent (by vote and value) of the stock of (or a partnership interest in) any member of the expanded affiliated group that includes the foreign acquiring corporation. See *Example 4* of paragraph (j) of this section for an illustration of this paragraph (d).

(2) *Stock issued to avoid the purposes of section 7874.* The exception in paragraph (d)(1) of this section does not apply to disqualified stock that is transferred in a transaction (or series of transactions) related to the acquisition with a principal purpose of avoiding the purposes of section 7874.

(e) *Satisfaction or assumption of obligations.* Except to the extent paragraph (c)(1)(ii) of this section applies, this paragraph (e) applies if, in a transaction related to the acquisition, stock of the foreign acquiring corporation is transferred to a person other than the domestic entity in exchange for the satisfaction or the assumption of one or more obligations of the transferor. In such a case, solely for purposes of this section, the stock of the foreign acquiring corporation is treated as if it is transferred in exchange for an amount of cash equal to the fair market value of such stock.

(f) *Transactions involving multiple properties.* For purposes of this section, if stock and other property are exchanged for qualified property and nonqualified property, the stock is treated as transferred in exchange for the qualified property or nonqualified property, respectively, based on the relative value of the property. See also § 1.7874–2(f)(2) (allocating stock of the foreign acquiring corporation between an interest in the domestic entity and other property).

(g) *Treatment of partnerships.* For purposes of this section, if one or more members of the expanded affiliated group own, in the aggregate, more than 50 percent (by value) of the interests in a partnership, such partnership is treated as a corporation that is a member of the expanded affiliated group.

(h) *Interaction with expanded affiliated group rules.* Disqualified stock that is excluded from the denominator of the ownership fraction pursuant to paragraph (b) of this section is taken into account for purposes of determining whether an entity is a member of the expanded affiliated group for purposes of applying section 7874(c)(2)(A) and determining whether an acquisition qualifies as an internal group restructuring or results in a loss of control, as described in § 1.7874–1(c)(2) and (c)(3), respectively. However, such disqualified stock is excluded from the denominator of the ownership fraction for purposes of section 7874(a)(2)(B)(ii) regardless of whether it would otherwise be included in the denominator of the ownership fraction as a result of the application of § 1.7874–1(c). See *Example 7* and *Example 8* of paragraph (j) of this section for illustrations of this paragraph (h).

(i) *Definitions.* The following definitions apply for purposes of this section:

(1) An *acquisition* is an acquisition described in section 7874(a)(2)(B)(i).

(2) A *domestic entity* is a domestic corporation or domestic partnership described in section 7874(a)(2)(B)(i).

(3) An *expanded affiliated group* is an affiliated group defined in section 7874(c)(1) determined as of the end of the day on which the acquisition is completed. A *member of the expanded affiliated group* is an entity included in the expanded affiliated group.

(4) A *foreign acquiring corporation* is a foreign corporation described in section 7874(a)(2)(B).

(5) An *interest in a partnership* has the meaning provided under § 1.7874–2(b)(4), and therefore includes a capital or profits interest.

(6) *Marketable securities* has the meaning set forth in section 453(f)(2), except that the term marketable securities does not include stock of a corporation or an interest in a partnership that becomes a member of the expanded affiliated group that includes the foreign acquiring corporation in a transaction (or series of transactions) related to the acquisition, unless a principal purpose for acquiring such stock or partnership interest is to avoid the purposes of section 7874. See *Example 3* of paragraph (j) of this section for an illustration of this paragraph (i)(6).

(7) *Nonqualified property* is property described in paragraphs (i)(7)(i) through (i)(7)(iv) of this section. *Qualified property* is property other than nonqualified property.

(i) Cash or cash equivalents.

(ii) Marketable securities, within the meaning of paragraph (i)(6) of this section.

(iii) An obligation owed by any of the following:

(A) A member of the expanded affiliated group that includes the foreign acquiring corporation;

(B) A former shareholder (within the meaning of § 1.7874–2(b)(2)) or former partner (within the meaning of § 1.7874–2(b)(3)) of the domestic entity; or

(C) A person that, before or after the acquisition, either owns stock of, or a partnership interest in, a person described in paragraph (i)(7)(iii)(A) or (i)(7)(iii)(B) of this section or is related (within the meaning of section 267 or 707(b)) to such a person. See *Example 5* of paragraph (j) of this section for an illustration of this paragraph (i)(7)(iii).

(iv) Any other property acquired in a transaction (or series of transactions) related to the acquisition with a principal purpose of avoiding the purposes of section 7874. See *Example*

2 of paragraph (j) of this section for an illustration of this paragraph (i)(7)(iv).

(8) An *obligation* has the meaning set forth in § 1.752–1(a)(4)(ii), provided that the obligation is not otherwise treated as stock for purposes of section 7874 (see, for example, § 1.7874–2(i), which treats certain interests, including certain creditor claims, as stock).

(9) The *ownership fraction* is the ownership percentage described in section 7874(a)(2)(B)(ii), expressed as a fraction.

(10) A *transfer* is, with respect to stock of the foreign acquiring corporation, an issuance, sale, distribution, exchange, or any other disposition of such stock.

(j) *Examples.* The following examples illustrate the rules of this section. For purposes of the examples, unless otherwise indicated, assume the following facts in addition to the facts stated in the examples:

(1) FA, FMS, FS, and FT are foreign corporations, all of which have only one class of stock issued and outstanding;

(2) DMS and DT are domestic corporations;

(3) P and R are corporations that may be either domestic or foreign;

(4) PRS is a partnership with individual partners;

(5) The de minimis ownership exception in paragraph (d)(1) of this section does not apply;

(6) None of the shareholders or partners in the entities described in the examples are related persons;

(7) All transactions described in each example occur pursuant to the same plan; and

(8) No property is acquired with a principal purpose of avoiding the purposes of section 7874.

Example 1. Stock transferred in exchange for marketable securities. (i) *Facts.* Individual A wholly owns DT. PRS transfers marketable securities (within the meaning of paragraph (i)(6) of this section) to FA, a newly formed corporation, in exchange solely for 25 shares of FA stock. Then Individual A transfers all the DT stock to FA in exchange solely for 75 shares of FA stock.

(ii) *Analysis.* Under paragraphs (i)(6) and (i)(7)(ii) of this section, the marketable securities constitute nonqualified property. Accordingly, the 25 shares of FA stock transferred by FA to PRS in exchange for the marketable securities constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(i) of this section. Paragraph (c)(2) of this section does not reduce the amount of disqualified stock described in paragraph (c)(1)(i) of this section because the transfer of FA stock in exchange for the marketable securities increases the fair market value of the assets of FA by the fair market value of the marketable securities transferred. Under paragraph (b) of this section, the 25 shares of FA stock transferred to PRS are not included in the denominator of the ownership fraction. Accordingly, the only FA stock included in the ownership fraction is the FA stock transferred to Individual A in exchange for the DT stock, and that FA stock is included in both the numerator and the denominator of the ownership fraction. Thus, the ownership fraction is 75/75.

Example 2. Stock transferred in exchange for property acquired with a principal purpose of avoiding the purposes of section 7874. (i) *Facts.* Individual A wholly owns DT. PRS transfers marketable securities (within the meaning of paragraph (i)(6) of this section) to FT, a newly formed corporation, in exchange solely for all the FT stock. Then PRS transfers the FT stock to FA, a newly formed corporation, in exchange solely for 25 shares of FA stock. Finally, Individual A transfers all the DT stock to FA in exchange solely for 75 shares of FA stock. FA acquires the FT stock with a principal purpose of avoiding the purposes of section 7874.

(ii) *Analysis.* Under paragraph (i)(7)(iv) of this section, the FT stock constitutes nonqualified property because a principal purpose of FA acquiring the FT stock is to avoid the purposes of section 7874. Accordingly, the 25 shares of FA stock transferred by FA to PRS in exchange for the FT stock constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(i) of this section. Paragraph (c)(2) of this section does not reduce the amount of disqualified stock described in paragraph (c)(1)(i) of this section because the transfer of FA stock in exchange for the FT stock increases the fair market value of FA's assets by the fair market value of the FT stock. Under paragraph (b) of this section, the 25 shares of FA stock transferred to PRS are not included in the denominator of the ownership fraction. Accordingly, the only FA stock included in the ownership fraction is FA stock transferred to Individual A in exchange for the DT stock, and that FA stock is included in both the numerator and the denominator of the ownership fraction. Thus, the ownership fraction is 75/75.

Example 3. Stock transferred in exchange for stock of a foreign corporation that becomes a member of the expanded affiliated group. (i) *Facts.* FT, a publicly traded corporation, forms FA, and then FA forms DMS and FMS. FMS merges with and into FT, with FT surviving the merger (FMS–FT merger). Pursuant to the FMS–FT merger, the FT shareholders exchange their FT stock solely for 1,000 shares of FA stock and FT becomes a wholly owned subsidiary of FA. Following the FMS–FT merger, DMS merges with and into DT, also a publicly traded corporation, with DT surviving the merger (DMS–DT merger). Pursuant to the DMS–DT merger, the DT shareholders exchange their DT stock solely for the remaining 1,000 shares of FA stock, and DT becomes a wholly owned subsidiary of FA. After the completion of the plan, FA wholly owns FT and DT, DMS and FMS cease to exist, and the stock of FA is publicly traded.

(ii) *Analysis.* Because FT becomes a member of the expanded affiliated group that includes FA in a transaction related to FA's acquisition of substantially all the properties of DT, the FT stock does not constitute marketable securities (within the meaning of paragraph (i)(6) of this section) and therefore does not constitute nonqualified property pursuant to paragraph (i)(7)(ii) of this section. Accordingly, no FA stock is disqualified stock described in paragraph (c)(1) of this section and therefore the FA stock transferred in exchange for the FT stock and DT stock is included in the denominator of the ownership fraction. Thus, the ownership fraction is 1,000/2,000.

(iii) *Alternative facts.* The facts are the same as in paragraph (i) of this *Example 3,* except that, instead of undertaking the FMS–FT merger, FT merges with and into FA with FA surviving the merger (FT–FA merger). Pursuant to the FT–FA merger, the FT shareholders exchange their FT stock solely for 1,000 shares of FA stock. At the time of the FT–FA merger, FT does not hold nonqualified property and has no obligations. Accordingly, FA stock transferred by FA to FT in exchange for the property of FT is not disqualified stock described in paragraph (c)(1) of this section. Furthermore, the 1,000 shares of FA stock transferred by FT to the shareholders of FT in exchange for their FT stock do not constitute disqualified stock described in paragraph (c)(1) of this section. Although the FT stock is nonqualified property (the FT stock constitutes marketable securities within the meaning of paragraph (i)(7)(ii) of this section because the stock of FT is publicly traded and FT is not a member of the expanded affiliated group that includes FA after the acquisition), under paragraph (c)(2) of this section, the transfer of FA stock by FT to the shareholders of FT neither increases the fair market value of the assets of FA nor decreases the liabilities of FA. Accordingly, no FA stock is disqualified stock described in paragraph (c)(1) of this section and, therefore, the FA stock transferred in exchange for the assets of FT and the DT stock is included in the denominator of the ownership fraction. Thus, the ownership fraction is 1,000/2,000.

Example 4. De minimis exception. (i) *Facts.* Individual A wholly owns DT. The fair market value of the DT stock is $100x. PRS transfers $96x of cash to FA, a newly formed corporation, in exchange solely for 96 shares of FA stock. Then Individual A transfers the DT stock to FA in exchange for $96x of cash and 4 shares of FA stock.

(ii) *Analysis.* Under paragraph (i)(7)(i) of this section, cash constitutes nonqualified property. Accordingly, the 96 shares of FA stock transferred by FA to PRS in exchange for $96x of cash constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(i) of this section. Furthermore, paragraph (c)(2) of this section does not reduce the amount of disqualified stock described in paragraph (c)(1)(i) of this section because the transfer of FA stock in exchange for $96x of cash increases the fair market value of the assets of FA by $96x. However, without regard to the application of paragraph (b) of this section, the ownership percentage described in section 7874(a)(2)(B)(ii) would be less than 5% (by vote and value), or 4% (4/100, or 4 shares of FA stock held by Individual A by

reason of owning the DT stock, determined under § 1.7874–2(f)(2), over 100 shares of FA stock outstanding after the acquisition). Furthermore, after the acquisition and all transactions related to the acquisition, Individual A owns less than 5% (by vote and value) of the stock of FA and DT (the members of the expanded affiliated group that includes FA). Accordingly, the de minimis exception in paragraph (d)(1) of this section applies and therefore paragraph (b) of this section does not apply to exclude the FA stock transferred to PRS from the denominator of the ownership fraction. Therefore, the FA stock transferred to Individual A and PRS is included in the denominator of the ownership fraction. Thus, the ownership fraction is 4/100.

Example 5. Obligation of the expanded affiliated group satisfied with stock. (i) *Facts.* Individual A wholly owns DT. The stock of DT held by Individual A has a fair market value of $75x. Individual A also holds an obligation of DT with a value and face amount of $25x. DT holds property with a value of $100x, and the $25x obligation is associated with the property. FA, a newly formed corporation, transfers 100 shares of FA stock to Individual A in exchange for all the DT stock and the $25x obligation of DT.

(ii) *Analysis.* Under paragraph (i)(7)(iii)(A) of this section, the $25x obligation of DT constitutes nonqualified property because DT is a member of the expanded affiliated group that includes FA. Thus, the shares of FA stock transferred by FA to Individual A in exchange for the obligation of DT constitute disqualified stock described in paragraph (c)(1)(i) of this section. Under § 1.7874–2(f)(2), Individual A is treated as receiving 75 shares of FA stock in exchange for the DT stock (100 × $75x/$100x) and 25 shares of FA stock in exchange for the obligation of DT (100 × $25x/$100x). Thus, 25 shares of FA stock constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(i) of this section. Paragraph (c)(2) of this section does not reduce the amount of disqualified stock described in paragraph (c)(1)(i) of this section because the transfer of FA stock for the $25x obligation increases the fair market value of FA's assets by $25x. Therefore, under paragraph (b) of this section, the 25 shares of FA stock transferred to Individual A in exchange for the obligation of DT are not included in the denominator of the ownership fraction. Accordingly, the only FA stock included in the ownership fraction is the 75 shares of FA stock transferred to Individual A in exchange for the DT stock, and that FA stock is included in both the numerator and the denominator of the ownership fraction. Thus, the ownership fraction is 75/75.

(iii) *Alternative facts.* The facts are the same as in paragraph (i) of this *Example 5,* except that instead of acquiring the stock of DT and the $25x obligation of DT, FA acquires the $100x of property from DT in exchange solely for 100 shares of FA stock. DT distributes 75 shares of FA stock to Individual A in exchange for Individual A's DT stock and transfers 25 shares of FA stock to Individual A in satisfaction of DT's obligation to Individual A, and liquidates. The 25 shares of FA stock used to satisfy DT's obligation to Individual A after being transferred by FA to DT in exchange for the property of DT constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(ii) of this section. Paragraph (c)(2) of this section does not reduce the amount of disqualified stock described in paragraph (c)(1)(ii) of this section because the transfer of FA stock in exchange for the property of DT increases the fair market value of FA's assets by $100x (although the amount of disqualified stock is limited to 25 shares of FA stock in this case). Therefore, under paragraph (b) of this section, the 25 shares of FA stock that constitute disqualified stock are not included in the denominator of the ownership fraction. Accordingly, only 75 shares of FA stock are included in the ownership fraction, and that FA stock is included in both the numerator and the denominator of the ownership fraction. Thus, the ownership fraction is 75/75.

Example 6. "Over-the-top" stock transfer. (i) *Facts.* Individual A wholly owns DT. Individual B holds all 100 outstanding shares of FA stock. Individual C acquires 20 shares of FA stock from Individual B for cash, and then FA acquires all of the stock of DT from Individual A in exchange solely for 100 shares of FA stock.

(ii) *Analysis.* Under paragraph (i)(7)(i) of this section, cash constitutes nonqualified property. Accordingly, absent the application of paragraph (c)(2) of this section, the 20 shares of FA stock transferred by Individual B to Individual C in exchange for cash would constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(i) of this section. Nevertheless, because Individual B's sale of FA stock neither increases the assets of FA nor decreases the liabilities of FA, such FA stock is not disqualified stock by reason of paragraph (c)(2) of this section. Accordingly, paragraph (b) of this section does not apply to Individual B's sale of the 20 shares of FA stock to Individual C, and that FA stock is included in the denominator of the ownership fraction. The 100 shares of FA stock received by Individual A are the only shares included in the numerator of the ownership fraction. Thus, the ownership fraction is 100/200.

Example 7. Interaction with internal group restructuring rule. (i) *Facts.* P holds 85 shares of DT stock. The remaining 15 shares of DT stock are held by Individual A. P and Individual A transfer their shares of DT stock to FA, a newly formed corporation, in exchange for 85 and 15 shares of FA stock, respectively, and PRS transfers $75x of cash to FA in exchange for the remaining 75 shares of FA stock.

(ii) *Analysis.* Under paragraph (i)(7)(i) of this section, cash constitutes nonqualified property. Accordingly, the 75 shares of FA stock transferred by FA to PRS in exchange for $75x of cash constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(i) of this section. Furthermore, paragraph (c)(2) of this section does not reduce the amount of disqualified stock described in paragraph (c)(1)(i) of this section because the transfer of FA stock in exchange for $75x of cash increases the fair market value of the assets of FA by $75x. Therefore, under paragraph (b) of this section, the 75 shares of FA stock transferred to PRS are not included in the denominator of the ownership fraction. Although PRS's shares of FA stock are excluded from the denominator of the ownership fraction under paragraph (b) of this section, such shares of FA stock nonetheless are taken into account for purposes of determining whether P is a member of the expanded affiliated group that includes FA under paragraph (h) of this section. Because P holds 48.6% of the FA stock (85/175) after the acquisition, it is not a member of the expanded affiliated group that includes FA. In addition, the acquisition does not qualify as an internal group restructuring described in § 1.7874–1(c)(2) because P does not hold, directly or indirectly, 80% or more of the shares of FA stock (by vote and value) after the acquisition. Therefore, the FA stock held by P (along with the FA stock held by Individual A) is included in the numerator and the denominator of the ownership fraction. Thus, the ownership fraction is 100/100.

Example 8. Interaction with loss of control rule. (i) *Facts.* P wholly owns DT. P transfers all of its shares of DT stock to FA, a newly formed corporation, in exchange for 49 shares of FA stock, and R transfers marketable securities (within the meaning of paragraph (i)(6) of this section) to FA in exchange for the remaining 51 shares of FA stock.

(ii) *Analysis.* Under paragraphs (i)(6) and (i)(7)(ii) of this section, the marketable securities constitute nonqualified property. Accordingly, the shares of FA stock transferred by FA to R in exchange for the marketable securities constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(i) of this section. Paragraph (c)(2) of this section does not reduce the amount of disqualified stock described in paragraph (c)(1)(i) of this section because the transfer of FA stock in exchange for the marketable securities increases the fair market value of the assets of FA by the fair market value of the marketable securities transferred. Therefore, under paragraph (b) of this section, the shares of FA stock transferred to R are not included in the denominator of the ownership fraction. Although under paragraph (b) of this section R's shares of FA stock are excluded from the denominator of the ownership fraction, under paragraph (h) of this section such stock is taken into account for purposes of determining whether P or R is a member of the expanded affiliated group that includes FA. Because P holds 49% of the shares of FA stock (49/100), P is not a member of the expanded affiliated group that includes FA, and P's FA stock is included in both the numerator and the denominator of the ownership fraction. Because R holds 51% of the shares of FA stock (51/100), R is a member of the expanded affiliated group that includes FA and, before taking into account § 1.7874–1(c), R's FA stock would be excluded from the numerator and denominator of the ownership fraction under section 7874(c)(2)(A) and § 1.7874–1(b).

However, the acquisition results in a loss of control described in § 1.7874–1(c)(2) because P does not hold, in the aggregate, directly or indirectly, more than 50% of the shares of FA stock (by vote or value) of R, FA, or DT after the acquisition. Accordingly, the FA stock held by R would be included in the denominator of the ownership fraction under § 1.7874–1(c)(1). Nevertheless, the FA stock held by R is excluded from the denominator of the ownership fraction under paragraphs (b) and (h) of this section. Thus, the ownership fraction is 49/49.

(iii) *Alternative facts.* The facts are the same as in paragraph (i) of this *Example 8,* except that, in exchange for 51 shares of FA stock, R transfers marketable securities (within the meaning of paragraph (i)(6) of this section) with a value equal to that of 16 shares of FA stock and qualified property (within the meaning of paragraph (i)(7) of this section) with a value equal to that of 35 shares of FA stock. Accordingly, 16 of the 51 shares of FA stock transferred to R constitute disqualified stock described in paragraph (c)(1) of this section by reason of paragraph (c)(1)(i) of this section, and 35 of such shares do not constitute disqualified stock. Paragraph (c)(2) of this section does not reduce the amount of disqualified stock described in paragraph (c)(1)(i) of this section because the transfer of FA stock in exchange for the marketable securities increases the fair market value of the assets of FA by the fair market value of the marketable securities transferred. Therefore, under paragraph (b) of this section, 16 of the 51 shares of FA stock transferred to R are not included in the denominator of the ownership fraction. Although 16 of the 51 shares of FA stock that are transferred to R are excluded from the denominator of the ownership fraction, under paragraph (h) of this section, all 51 of R's shares of FA stock are taken into account for purposes of determining whether P or R is a member of the expanded affiliated group that includes FA. Because P holds 49% of the shares of FA stock (49/100), it is not a member of the expanded affiliated group that includes FA, and its FA stock is included in both the numerator and the denominator of the ownership fraction. Because R holds 51% of the shares of FA stock (51/100), it is a member of the expanded affiliated group that includes FA and, before taking into account § 1.7874–1(c), its FA stock is excluded from the numerator and denominator of the ownership fraction under section 7874(c)(2)(A) and § 1.7874–1(b). However, the acquisition results in a loss of control described in § 1.7874–1(c)(2) because P does not hold, in the aggregate, directly or indirectly, more than 50% of the shares of FA stock (by vote or value) of R, FA, or DT after the acquisition. Accordingly, the 51 shares of FA stock held by R would be included in the denominator of the ownership fraction under § 1.7874–1(c)(1). Nevertheless, the 16 shares of FA stock that constitute disqualified stock are excluded from the denominator of the ownership fraction under paragraphs (b) and (h) of this section. In addition, the 35 shares of FA stock received by R that do not constitute disqualified stock are included in the denominator. Thus, the ownership fraction is 49/84.

(k) *Effective/applicability dates*—(1) *General rule.* Except to the extent provided in paragraph (k)(2) of this section, this section applies to acquisitions completed on or after September 17, 2009.

(2) *Transitional rules.* For acquisitions completed on or after September 17, 2009, but before January 16, 2014, except as provided in paragraph (k)(3) of this section, this section shall be applied with the following modifications:

(i) Nonqualified property does not include property described in paragraph (i)(7)(iii) of this section.

(ii) A transfer is limited to an issuance of stock of the foreign acquiring corporation.

(iii) The determination of whether stock of the foreign acquiring corporation is described in paragraph (c)(1) of this section is made without regard to paragraphs (c)(1)(ii), (c)(2), and (e) of this section.

(iv) Paragraphs (d) and (h) of this section do not apply.

(3) *Election.* A taxpayer may elect to apply paragraphs (a) through (j) of this section to acquisitions completed on or after September 17, 2009, but before January 16, 2014, if the taxpayer applies those paragraphs consistently to all acquisitions completed before such date. The election is made by applying paragraphs (a) through (j) of this section to all such acquisitions on a timely filed original return (including extensions) or an amended return filed no later than six months after January 16, 2014. A separate statement or form evidencing the election need not be filed.

(l) *Expiration date.* The applicability of this section expires on January 13, 2017.

■ **Par. 4.** Section 1.7874–5T is added to read as follows:

§ 1.7874–5T Effect of certain transfers of stock related to the acquisition (temporary).

(a) *General rule.* Stock of a foreign corporation that is described in section 7874(a)(2)(B)(ii) shall not cease to be so described as a result of any subsequent transfer of the stock by the former shareholder (within the meaning of § 1.7874–2(b)(2)) or former partner (within the meaning of § 1.7874–2(b)(3)) that received such stock, even if the subsequent transfer is related to the acquisition described in section 7874(a)(2)(B)(i).

(b) *Example.* The rule of this section is illustrated by the following example:

Example. (i) *Facts.* Individual A wholly owns DT, a domestic corporation. FA, a newly formed foreign corporation, acquires all of the stock of DT from Individual A in exchange solely for 100 shares of FA stock. Pursuant to a binding commitment that was entered into in connection with FA's acquisition of the DT stock, Individual A sells 25 shares of FA stock to B, an unrelated person, in exchange for cash. For federal income tax purposes, the form of the steps of the transaction is respected.

(ii) *Analysis.* Under § 1.7874–2(f)(1), the 100 shares of FA stock received by Individual A are stock of a foreign corporation (FA) that is held by reason of holding stock in a domestic corporation (DT). Accordingly, such stock is described in section 7874(a)(2)(B)(ii). Under paragraph (a) of this section, all 100 shares of FA stock retain their status as being described in section 7874(a)(2)(B)(ii), even though Individual A sells 25 of the 100 shares in connection with the acquisition described in section 7874(a)(2)(B)(i) pursuant to the binding commitment. Therefore, all 100 of the shares of FA stock are included in both the numerator and denominator of the ownership fraction (as defined in § 1.7874–4T(i)(9)).

(c) *Effective/applicability dates.* This section applies to acquisitions that are completed on or after January 16, 2014.

(d) *Expiration date.* The applicability of this section expires on January 13, 2017.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: December 30, 2013.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2014–00899 Filed 1–16–14; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2700

Procedural Rules To Permit Parties To File and Serve Documents Electronically; Correction

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Interim rule with request for comments; correction.

SUMMARY: The Federal Mine Safety and Health Review Commission is correcting an interim rule that appeared in the **Federal Register** of December 23, 2013 (78 FR 77354). The correction adds a conforming change indicating that only original documents need be filed pursuant to § 2700.75.

DATES: Effective January 22, 2014.

FOR FURTHER INFORMATION CONTACT: Michael A. McCord, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935 or *mmccord@fmshrc.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2013–29842 appearing on page 77354 in the **Federal Register** of Monday, December 23, 2013, the following corrections are made:

§ 2700.75 [Corrected]

■ 1. On page 77359, in the second column, in § 2700.75 Briefs, correct instruction 13 and amendments to § 2700.75 to read as follows:

■ 13. Section 2700.75 is amended by revising paragraphs (f) and (g) to read as follows:

§ 2700.75 Briefs.

* * * * *

(f) *Motion for leave to exceed page limit.* A motion requesting leave to exceed the page limit for a brief shall be received not less than 3 days prior to the date the brief is due to be filed, shall state the total number of pages proposed, and shall comply with § 2700.10. Filing of a motion requesting an extension of page limit is effective upon receipt. The motion and any statement in opposition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the motion, except that if service by electronic transmission (email) is impossible, the filing party must serve in person, by third party commercial carrier, or by facsimile transmission, resulting in same-day delivery.

(g) *Number of copies.* Unless otherwise ordered or stated in this part, only the original of a document shall be filed.

* * * * *

Dated: January 13, 2014.

Mary Lu Jordan,

Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 2014–00831 Filed 1–16–14; 8:45 am]

BILLING CODE 6735–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0880]

RIN 1625–AAOO

Safety Zone; Houma Navigation Canal, Mile Marker 35.5 to 36.5, and Gulf Intracoastal Waterway, Mile Marker 59.0 to 60.0, West of Harvey Locks, Bank to Bank; Houma, Terrebonne Parish, LA

AGENCY: Coast Guard, DHS.

ACTION: Interim rule and request for comments.

SUMMARY: The Coast Guard is establishing a safety zone in the Houma Navigation Canal, from Mile Marker 35.5 to 36.5, and in the Gulf Intracoastal Waterway (GIWW), from Mile Marker 59.0 to 60.0, West of Harvey Locks, bank to bank, during the completion of construction and repair work on the HWY 661 Swing Bridge, Terrebonne Parish, LA. Restrictions under this safety zone will be enforced intermittently as necessary to protect persons and property from hazards associated with the construction and repair operations on the Highway 661 Swing Bridge.

DATES: This rule is effective without actual notice January 17, 2014 through July 1, 2014. For purposes of enforcement, actual notice will be used from the date the rule was signed, December 13, 2013 until January 17, 2014.

Comments and related material must be received by the Coast Guard on or before February 18, 2014.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number USCG–2012–0880. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the "SEARCH" box and click "SEARCH." Click on "Open Docket Folder" on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may submit comments, identified by docket number, using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* (202) 493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Isaac Chavalia, U.S. Coast Guard; telephone (985) 850–6456, email *Isaac.J.Chavalia@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number in the "SEARCH" box and click "SEARCH." Click on "Submit a Comment" on the line associated with this rulemaking

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed

postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

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

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

As provided under the "Public Participation and Request for Comments" section above, this interim rule includes a request for comments and the Coast Guard encourages the public to participate through the comment process. Comments received will be reviewed to determine if this interim safety zone requires further review or revision.

The Coast Guard is issuing this interim rule without prior notice 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 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 providing notice and making this rule effective less than 30 days after publication in the **Federal Register**. The construction and repairs on the Highway 661 Swing Bridge have been ongoing since December 2012, for approximately one year, during which time the Coast Guard established temporary safety zones effective during certain construction periods. These restrictions were enacted and rescinded through broadcast notices to mariners and marine safety information bulletins. Local mariners and waterway users are aware of the ongoing bridge construction and repairs and transit through the area with restricted navigational requirements necessary to ensure safety of navigation continues without issue.

The Coast Guard received notice of a revised and extended timeline to complete construction and repair on the Highway 661 Swing Bridge on November 15, 2013. The Coast Guard reviewed the revised and extended timeline and remaining construction work to be done and determined that additional safety measures to ensure safety of navigation remain necessary. Based on the necessity of the work to be done and extended construction timeline presented to the Coast Guard, immediate action is required to establish this interim safety zone. Delaying the effective date for this interim rule to provide a full 30 days notice through publication in the **Federal Register** would be impracticable and contrary to public interest because it would unnecessarily delay the immediate action needed to protect persons and property from potential safety hazards associated with construction and repair operations on the Highway 661 Swing Bridge.

For the same reason discussed above, under 5 U.S.C. 553(d)(3) the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

C. Basis and Purpose

The Coast Guard received notice on November 15, 2013 that the construction and repair work on the Highway 661 Swing Bridge, Houma Navigation Canal, Mile Marker 36.0, to refurbish and retrofit the bridge to better serve the maritime commerce will continue through mid 2014. To protect the general public, vessels and tows from destruction, loss or injury due to the hazards associated with these construction operations in and around the waterways, the Coast Guard is establishing this interim safety zone which will continue through July 1, 2014.

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

The purpose of this safety zone is to provide additional safety measures for persons and vessels transiting in and through a specified area on the waterway and to protect life and property during the construction and repair operations on the Highway 661 Swing Bridge, Houma Navigation Canal Mile Marker 36.0. There will be numerous work and support vessels and personnel present and associated with the construction and repair operation. This operation poses significant safety hazards to both vessels and mariners operating in the vicinity of the Highway 661 Swing Bridge, Houma Navigation Canal Mile Marker 36.0.

D. Discussion of the Interim Rule

The Coast Guard is establishing an interim safety zone in the Houma Navigation Canal, from Mile Marker 35.5 to 36.5, and in the GIWW, from Mile Marker 59.0 to 60.0, West of Harvey Locks, bank to bank. This safety zone is effective December 13, 2013 and will continue through July 1, 2014.

The Captain of the Port (COTP) Morgan City or a designated representative will inform the public through Broadcast Notice to Mariners of schedule changes in the construction work and changes in effective dates and times for the safety zone. At all times, vessels and tows transiting between Houma Navigation Canal Mile Markers 35.5 to 36.5 and GIWW Mile Markers 59.0 to 60.0, West of Harvey Locks, are required to proceed at slowest safe speed to minimize wake until construction is completed or July 1, 2014, whichever occurs earlier. Additionally, Houma Navigation Canal, from Mile Marker 35.5 to 36.5 will have varying restricted horizontal clearance for marine traffic from 6:30 a.m. to 11:30 a.m. and 1:00 p.m. to 6:00 p.m., seven days a week. To minimize waterway impact, this area will be open without channel restrictions to marine traffic from 6:00 p.m. to 6:30 a.m. and from 11:30 a.m. to 1:00 p.m. or until traffic clears, seven days a week. Waterway closures, if necessary to assist in the construction and repair process, will be made through Broadcast Notice to

Mariners. Deviation from this safety zone may be requested from the COTP Morgan City or a designated representative. Deviation requests will be considered on a case-by-case basis.

E. 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 safety zone listed in this rule will only restrict vessel traffic during construction and repair operations and enforcement periods are short in duration. The effect of this regulation will not be a significant regulatory action because: (1) This rule will only affect vessel traffic for short durations of time; (2) vessels may request permission from the COTP to deviate from this rule; and (3) the impacts on routine navigation are expected to be minimal due to scheduled periods without channel restrictions and required channel openings to clear traffic following a closure, if a closure is necessary. Notifications to the marine community will be made through Broadcast Notice to Mariners and Local Notice to Mariners. These notifications will allow the public to plan operations around the affected area and enforcement periods.

2. Impact on Small Entities

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

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit in the affected portions of the GIWW and Houma Navigation Canal in the vicinity of the Highway 661 Bridge, Houma Navigation Canal Mile Marker 36.0. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The zone is limited in size, enforcement periods are of short duration and vessel traffic may request permission from the COTP Morgan City or a designated representative to deviate from the safety zone.

If you are a small business entity and are significantly affected by this regulation, please contact MST1 Isaac Chavalia, Marine Safety Unit Houma, at (985) 850–6456.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations

That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. The safety zone provides safety for the public while the Highway 661 Swing Bridge is being refurbished. This rule is categorically excluded from further review under paragraph (34)–(g.) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination will be made available as indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. A new temporary § 165.T08–0880 is added to read as follows:

§ 165.T08–0880 Safety Zone; Houma Navigation Canal, from Mile Marker 35.5 to 36.5, and Gulf Intracoastal Waterway, from Mile Marker 59.0 to 60.0, West of Harvey Locks, bank to bank; Houma, Terrebonne Parish, LA.

(a) *Location.* The following area is a safety zone: All waters of the Houma Navigation Canal, from Mile Marker 35.5 to 36.5, and in the *Gulf Intracoastal Waterway,* from Mile Marker 59.0 to 60.0, West of Harvey Locks, bank to bank, Houma, Terrebonne Parish, LA.

(b) *Effective date.* This rule is effective January 17, 2014 through July 1, 2014. For purposes of enforcement, actual notice has been used from December 13, 2013.

(c) *Periods of enforcement.* This rule will be enforced with actual notice beginning on December 13, 2013 through July 1, 2014. The Captain of the Port (COTP) Morgan City or a designated representative will inform the public through Broadcast Notice to Mariners of the enforcement periods for the safety zone as well as any scheduled times for changes in the planned schedule.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the COTP Morgan City or a designated representative.

(2) Vessels requiring entry into or transit through the safety zone must request permission from the COTP Morgan City, or a designated representative. As a designated representative, the DOT 661 swing bridge operator may be contacted on VHF Channel 13 or 71.

(3) Mariners should contact the DOT 661 swing bridge operator prior to arrival at the safety zone for permission to enter or transit through the safety zone.

(4) If permission is granted, all persons and vessels shall comply with the instructions of the COTP Morgan City or a designated representative and pass at slowest safe speed to minimize wake.

(5) While the safety zone is in effect, there will be restricted clearance for marine traffic on the Houma Navigation Canal, from Mile Marker 35.5 to 36.5 from 6:30 a.m. to 11:30 a.m. and 1:00 p.m. to 6:00 p.m., seven days a week. To minimize waterway impact, this area will be open without restriction to marine traffic from 6:00 p.m. to 6:30 a.m. and from 11:30 a.m. to 1:00 p.m. or until traffic clears, seven days a week.

(6) All persons and vessels shall comply with the instructions of the COTP Morgan City and designated on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(e) *Informational broadcasts.* The COTP Morgan City or a designated representative will inform the public through Broadcast Notice to Mariners of the enforcement periods for the safety zone as well as any changes in the planned schedule.

Dated: December 13, 2013.

D.G. McClellan,

Captain, U.S. Coast Guard, Captain of the Port Morgan City, Louisiana.

[FR Doc. 2014–00902 Filed 1–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 685

RIN 1840–AD13

[Docket ID ED–2013–OPE–0066]

William D. Ford Federal Direct Loan Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the William D. Ford Federal Direct Loan Program (Direct Loan Program) regulations to implement the changes to the Higher Education Act of 1965, as amended (HEA), resulting from the Moving Ahead for Progress in the 21st Century Act (MAP–21). These final regulations reflect the provisions of the HEA, as amended by MAP–21.

DATES: Effective March 18, 2014.

FOR FURTHER INFORMATION CONTACT: Nathan Arnold, U.S. Department of Education, Office of Postsecondary Education, 1990 K Street NW., Room 8084, Washington, DC 20006–8542. Telephone: (202) 219–7134.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On May 16, 2013, the Secretary published interim final regulations (IFR) in the **Federal Register** (78 FR 28954), implementing provisions of the HEA, as amended by MAP–21 (Pub. L. 112–141).

In the IFR, the Secretary—

- Provided that a Direct Subsidized Loan first disbursed on or after July 1, 2012, and before July 1, 2013, has an interest rate of 3.4 percent.
- Established new Direct Loan Program regulations that provide that a first-time borrower on or after July 1, 2013, is no longer eligible to receive additional Direct Subsidized Loans if the period during which the borrower has received such loans meets or exceeds 150 percent of the published length of the program in which the borrower is currently enrolled. These borrowers may still receive Direct Unsubsidized Loans for which they are otherwise eligible.

• Established new Direct Loan Program regulations that provide that first-time borrowers who are ineligible for Direct Subsidized Loans as a result of these provisions and who enroll in a program for which the borrower would otherwise be eligible for a Direct Subsidized Loan become responsible for accruing interest on all previously received Direct Subsidized Loans during future periods, beginning on the date of the triggering enrollment, unless the student completes his or her prior program of study and has not lost eligibility for Direct Subsidized Loans as a result of these provisions.

• Prorated periods of Direct Subsidized Loan receipt during part-time enrollment for purposes of the 150 percent limit on Direct Subsidized Loan eligibility.

• Established special rules for applying the 150 percent limit on Direct Subsidized Loan eligibility for borrowers enrolled in preparatory coursework required for enrollment in an undergraduate program, preparatory coursework required for enrollment in a graduate or professional program or teacher certification coursework necessary for a State teaching credential for which the institution awards no academic credential. These special rules limit the borrower's responsibility for accruing interest in certain circumstances.

• Modified existing entrance- and exit-counseling requirements to require institutions to provide borrowers with information regarding the 150 percent limit on Direct Subsidized Loans.

The IFR was effective on the date of publication, May 16, 2013, and the Secretary requested public comment on those regulations.

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

• Modify the rule for rounding borrowers' subsidized usage periods to ensure that similarly situated borrowers have similar subsidized usage periods;

• Modify the calculation of the subsidized usage period for borrowers who are enrolled on a part-time basis for a period of less than a full academic year, but who receive a Direct Subsidized Loan in the amount of the full annual loan limit;

• Modify the calculation of the maximum eligibility period for two-year baccalaureate degree programs that require an associate degree or at least two years of postsecondary coursework as a prerequisite for admission; and

• Modify the calculation of the maximum eligibility period for certain associate degree programs that have special admissions requirements.

Chart 1 summarizes the benefits, costs, and transfers stemming from the IFR and these final regulations, which are discussed in more detail in the *Regulatory Impact Analysis* section of this preamble. The Department estimates that approximately 62,000 borrowers in the 2013 loan cohort will be affected by the IFR and final regulations, with the number of borrowers affected increasing in each subsequent year's cohort to approximately 578,000 borrowers in the 2023 loan cohort. The benefits of the IFR and final regulations include incentives for borrowers to complete programs more quickly (which could lead to reduced loan balances) and lower payments for borrowers receiving Direct Subsidized Loans between July 1, 2012, and June 30, 2013.

CHART 1—SUMMARY OF THE IFR AND FINAL REGULATIONS

Issue and key features	Benefits	Cost/transfers
Interest rate reduction, limitations on eligibility for Direct Subsidized Loans, and responsibility for accruing interest for first-time borrowers on or after July 1, 2013 (34 CFR part 685).		
Reduction of interest rate on Direct Subsidized Loans to 3.4 percent after July 1, 2011, and before July 1, 2013.	Reduced loan balance and lower payments for borrowers.	$5.6 billion for loans disbursed on or after July 1, 2012 and before July 1, 2013.
Limitation on Direct Subsidized Loan eligibility for borrowers who receive such loans for a period that is equal to 150 percent of the published length of the educational program and borrower responsibility for accruing interest for enrollment after meeting or exceeding this limit.	Create incentives for students to complete academic programs in a timely manner and avoid incurring unnecessary loan debt.	Estimated net budget impact of −$3.9 billion over the 2013–2023 loan cohorts.
Prorating periods of Direct Subsidized Loan receipt during part-time enrollment.	Account for differing enrollment levels to provide similar treatment to similarly situated borrowers.	
Specialized treatment for borrowers enrolled in preparatory coursework required for enrollment in an eligible program and teacher certification coursework necessary for a State teaching credential for which the institution awards no academic credential.	Limit borrower responsibility for accruing interest to encourage completion.	
Special rule that specifies the calculation of the maximum eligibility period for certain two-year baccalaureate degree and selective admission associate degree programs.	Provides for more accurate calculation of program length and borrower eligibility.	
Modified entrance- and exit-counseling requirements to provide borrowers with information regarding the 150 percent limit on Direct Subsidized Loans.	Provide borrowers with information on eligibility limitations and potential responsibility for accruing interest.	Estimated cost of $5.21 million in increased burden to institutions and borrowers and other paperwork compliance costs.

Analysis of Comments and Changes

The changes to the IFR included in these final regulations were developed through the analysis of comments received on the IFR published on May 16, 2013. In response to the Secretary's invitation, 14 parties submitted comments on the IFR.

An analysis of the comments submitted in response to the IFR and the changes we are making in these final regulations follows. We group major issues according to subject, with appropriate sections of the regulations referenced in parentheses. Generally, we do not address technical and other minor changes and suggested changes the law does not authorize the Secretary to make. We also do not respond to

comments pertaining to issues that were not within the scope of the IFR.

General Comments

Comments: A commenter noted support for the Department's efforts to encourage students to complete educational programs in a timely manner and to limit unnecessary borrowing.

A commenter expressed appreciation for the Department seeking public comment on the IFR, even though Congress waived the negotiated rulemaking requirement.

A commenter expressed appreciation for the Department's efforts to assume responsibility for tracking and notification of eligibility determinations and loss of interest subsidy.

Discussion: The Department thanks the commenters for their support.

Changes: None.

Comment: A commenter suggested that the interchangeable use of the terms "enroll" and "attend" in the preamble and throughout the IFR is misleading. The commenter noted that "enrolled," as defined in 34 CFR 668.2, means the status of a student who has completed registration requirements or, in the case of a student in a program offered predominantly by correspondence, has submitted one lesson. The commenter believed that the intent of the IFR was to apply the loss of interest subsidy based on actual attendance at an institution of higher education, not enrollment. The commenter recommended that we replace the term "enrolled" with the term "attend" and its variations throughout § 685.200(f).

Discussion: The commenter is correct that a borrower loses the interest subsidy when a borrower has reached the 150 percent limit and then "attends any undergraduate program or preparatory coursework on at least a half-time basis at an eligible institution that participates in the title IV, HEA programs," as provided in § 685.200(f)(3)(i)(B). The term "attend" or its variant (i.e. "attends") is used when necessary to specify that a borrower must actually attend the program rather than simply enroll (*e.g.*, § 685.200(f)(3)(iv) and § 685.200(f)(5)). We use the term "attend" when describing how borrowers may lose interest subsidy to specify that a borrower may only lose interest subsidy in certain circumstances after attendance, and that enrollment is not sufficient to cause the loss of interest subsidy. We therefore do not believe that use of the term "enroll" or its variant in § 685.200(f) is incorrect or will result in any confusion.

Changes: None.

First-Time Borrower (§ 685.200(f)(1)(i))

Comments: A commenter asked whether a borrower is considered a first-time borrower under § 685.200(f)(1)(i) regardless of whether existing loans were repaid in full before or after July 1, 2013, so long as the borrower does not receive the Direct Subsidized Loan until after the loans are repaid.

The commenter also asked whether a borrower who owed a loan balance prior to July 1, 2013, who then borrows a new Direct Loan after July 1, 2013, and then pays off all loans in full is considered a first-time borrower.

Discussion: Section 685.200(f)(1)(i) defines a first-time borrower for purposes of the 150 percent Direct Subsidized Loan limit as "an individual who has no outstanding balance of principal or interest on a Direct Loan Program or Federal Family Education Loan (FFEL) Program loan on July 1, 2013 or on the date the borrower obtains a Direct Loan Program loan after July 1, 2013." If a borrower does not owe a balance on a Direct Loan or a FFEL Program loan at the time he or she receives a Direct Subsidized Loan on or after July 1, 2013, the borrower is considered a first-time borrower.

In the first circumstance described by the commenter, it is of no practical consequence whether a borrower pays off the balance of his or her Direct Subsidized Loans before or after July 1, 2013, before receiving a new Direct Subsidized Loan. In both cases, the borrower will not have a Direct Loan or FFEL program loan balance when the borrower receives his or her Direct Subsidized Loan on or after July 1, 2013. Therefore, in both cases, the borrower is a first-time borrower under the terms of § 685.200(f)(1)(i).

In the second circumstance described by the commenter, when the borrower receives his or her Direct Subsidized Loan after July 1, 2013, the borrower does owe a balance on a Direct Loan or a FFEL Program Loan. Therefore, at that point in time, the borrower would not be considered a first-time borrower. If the borrower subsequently pays off the balance of his or her loans and then borrows a new Direct Subsidized Loan, the borrower would then be considered a first-time borrower.

Changes: None.

Maximum Eligibility Period (§ 685.200(f)(1)(ii))

Comments: Two commenters stated that they believed that the definition of the term "maximum eligibility period" in § 685.200(f)(1)(ii) is inconsistent with the provisions of MAP–21. These commenters argued that under MAP–21, a transfer student's aggregate period of enrollment should be calculated based on the "longest educational program in which the borrower" is or was enrolled. The commenters believed that calculating the maximum eligibility period based on the borrower's current educational program disadvantages borrowers who transfer from a longer program to a shorter program ("reverse transfer students").

One commenter noted that the satisfactory academic progress regulations in 34 CFR 668.34 specify that the pace at which a student progresses through his or her educational program must ensure that the student completes the program within the maximum timeframe for that program. The definition of the term "maximum timeframe" in 34 CFR 668.34(b) specifies that, for undergraduate programs, the maximum timeframe is "no longer than 150 percent of the published length of the educational program." The commenter recommended that, to make it easier for financial aid administrators to understand § 685.200(f), the Department should use the maximum timeframe standard in 34 CFR 668.34(b) for purposes of determining the borrowers' Direct Subsidized Loan eligibility, rather than using the maximum eligibility period in § 685.200(f)(1)(ii).

Two commenters recommended that the definition of "maximum eligibility period" mirror the Pell Grant Lifetime Eligibility Used (LEU) limit, which limits a student's receipt of Pell Grants to 12 semesters or an equivalent period.

Discussion: In defining the term "maximum eligibility period," consistent with section 455(q)(1) of the HEA, as added by MAP–21, we sought to treat similarly situated borrowers in a similar manner. As we stated in the preamble to the IFR, "without recalculating a borrower's maximum eligibility period when the borrower enrolls in a different program, otherwise-equivalent borrowers would have inconsistent and inequitable eligibility periods." 78 FR at 28960. The suggestion to base Direct Subsidized Loan eligibility on the longest program in which the borrower had ever enrolled would result in maximum eligibility periods dependent in part on whether a particular borrower previously enrolled in a program of a longer or shorter duration for which he or she received Direct Subsidized Loans. The commenter's approach would introduce a method of calculating remaining eligibility periods contrary to statutory intent because it would use a standard that is unrelated to a borrower's timely completion of a program. It would also

introduce significant inconsistencies between borrowers with different postsecondary enrollment histories.

Section 455(q)(1) of the HEA provides that the calculation of the 150 percent limit is based on the published length of the borrower's educational program and the period of time for which the borrower received Direct Subsidized Loans. The statute does not mention satisfactory academic progress or related measurements or the Pell Grant LEU measurement. Those standards do not reflect section 455(q)(1) of the HEA. Therefore, the Secretary is not adopting those standards for purposes of calculating the 150 percent limit.

Changes: None.

Comments: Two commenters noted that an educational program's published length is not always a direct reflection of the program's degree level. Many institutions offer degree completion programs designed to allow students to matriculate into a bachelor's degree program with transfer credits counting toward the bachelor's degree. Since enrollment in these programs requires transfer credits, and the institution offers the program in such a way as to only offer "upper-division coursework," a degree-completion program at the baccalaureate level is often two years in length with a maximum eligibility period of three years. One of the commenters recommended that instead, the maximum eligibility period should be calculated using a minimum program length based on credential level, rather than the published length of the program.

A commenter also noted that there are certain associate degree programs that are similar to the baccalaureate degree programs addressed in the preceding paragraphs. These are programs, often at community colleges, that confer a two-year associate degree in a specialized field, but which are offered at institutions that do not offer a four-year baccalaureate degree. As a prerequisite to admission into the associate degree program, students generally must complete at least two-years of general education coursework. Afterward, the two-year associate degree program provides the necessary "upper-division" or "specialized" coursework, which is often practical or clinical in nature. These programs generally lead to State licensure in occupations that are fundamentally similar to programs offering these specializations at the four-year bachelor's degree level.

Discussion: We agree with the comments suggesting we revise § 685.200(f) because, under the IFR, borrowers in baccalaureate degree completion programs would be treated differently than borrowers enrolled in full programs of equivalent degree levels.

For example, imagine two borrowers, one enrolled in a program with a published length of four years and the other initially enrolled in a program with a published length of two years before going on to complete a two-year bachelor's degree at another institution in a program that only offers the upper-division coursework required to receive the bachelor's degree. The first borrower would have a maximum eligibility period of six years to complete the bachelor's degree program. The second borrower would have a maximum eligibility period of three years because each of the programs in which the borrower is enrolled has a published length of two years, and loans previously received will continue to count in the second program. The effect of this treatment is that, under the IFR, the second borrower has only three years of eligibility for Direct Subsidized Loans, while the first borrower has six years of eligibility despite being enrolled in a program with an equivalent degree and effectively equivalent program length. We believe this result is contrary to the intent of the statute.

To ensure that borrowers' maximum eligibility periods are calculated consistent with the statutory intent, we have revised § 685.200(f) to specify that certain two-year programs that meet specific criteria are, for purposes of determining a borrower's maximum eligibility period, considered bachelor's degree programs equivalent to those that are four years in duration. To be in this category, a two-year degree-completion program must be a bachelor's degree program that requires an associate degree or the successful completion of at least two years of postsecondary coursework from an eligible program as a prerequisite for admission. The successful completion of coursework means receiving academic credit for coursework that is deemed sufficient to meet admissions requirements as determined by the accepting institution.

Institutions which offer programs that meet the requirements of this provision would report a program length of four years for those programs to the Department for a maximum eligibility period of six years.

We also agree with the commenter that there are certain associate degree programs that are similar to these bachelor's degree programs. Under the IFR, borrowers attending these programs would have limited maximum eligibility periods for the same reasons as borrowers in bachelor's degree-completion programs; even completing the program on time could result in the borrower's loss of eligibility for further Direct Subsidized Loans. We do not believe that these consequences for borrowers who complete these programs on time are consistent with the statutory intent of MAP–21. We have therefore revised § 685.200(f) to provide that these programs will be considered to have a program length of four years.

Applying this provision broadly to attendance in any subsequent associate degree program or to multiple, unrelated associate degree programs would be contrary to the statutory intent of encouraging students to complete their programs in a timely manner. Selective-admissions associate degree programs, by contrast, only admit individuals who have completed prerequisite coursework and are analogous to longer baccalaureate degree programs. Therefore, we will apply this provision narrowly to associate degree programs that are designed specifically to confer a more specialized credential after completion of two years of postsecondary coursework and which are, for practical purposes, equivalent in length to a baccalaureate degree program.

To ensure that these provisions are implemented in a manner consistent with the goals of the statute, the special treatment for selective-admissions associate degree programs applies only to programs that meet certain criteria. To be treated as a four-year program for purposes of the maximum eligibility period calculation, a two-year associate degree program must require, as a prerequisite to admission, that the student have successfully completed an associate degree or at least two years of postsecondary coursework in an eligible program. Furthermore, the program must be a selective admission program, which means that the program is not an "open admission" program, and admits students based on competitive criteria. These criteria may include, but are not limited to, entrance exam scores, class rank, grade point average, written essays, or recommendation letters. Finally, these programs must provide the academic qualifications necessary for a profession that requires licensure or a certification by the State in which the program is offered. Typically, a baccalaureate degree is required in order to obtain the licensure or certification that the selective-admission associate degree program leads to, and this requirement would ensure that programs qualifying for this provision are comparable to four-year baccalaureate degree programs. Examples of programs that would likely

meet this criterion are registered nursing programs or physical therapy programs. Students in these selective-admission associate degree programs are eligible for Direct Subsidized Loans at the annual loan limit related to an associate degree program (*i.e.*, loan limits that do not exceed the second-year level under 34 CFR 685.203(a)(1)(i)–(a)(2)(i)).

It should also be noted that § 685.200(f)(8) does not confer title IV program eligibility on programs that are otherwise ineligible to participate in those programs. Programs seeking to qualify for the special rule provided under this regulation must meet and comply with all other statutory and regulatory requirements to award Federal student aid.

To ensure compliance with the requirements of this regulation, during the Department's program compliance reviews we will evaluate whether an institution with selective admission associate degree programs which have certified that they meet the requirements under this regulation do satisfy those requirements. If we determine that the institution did not qualify for the special rule provided in this regulation, the institution will not be permitted to report a program length of four years for that program and must instead report a program length of two years. However, students who were previously enrolled in such a program will not lose interest subsidy retroactively as a result of such a determination or required to return the loan proceeds under § 685.211(e).

Changes: We have added a new § 685.200(f)(8) to provide special treatment for certain baccalaureate degree-completion programs and selective-admission associate degree programs. The new provisions allow such programs to report a program length of four years consistent with the preceding discussion.

Comments: A commenter asked how a combination bachelor's and master's degree (BA/MA) program or other dual-degree programs are treated for purposes of maximum eligibility period calculations.

Discussion: Consistent with the Department's longstanding guidance related to when students in combination BA/MA or other dual degree programs transition from undergraduate status to graduate/professional status (see, e.g., 2012–2013 FSA Handbook, Volume 1, Page 67 and Volume 3, Page 96), an institution with a combination undergraduate/graduate or professional degree program must report program information, including credential level and program length, for the portion of the program during which the student is considered to be an undergraduate student and, therefore, eligible for a Direct Subsidized Loan. For example, if the institution offers a five-year BA/MA program, and the borrower is treated as an undergraduate student during the first four years of the program and receives Direct Subsidized Loans, the institution must report that the student is enrolled in a four-year baccalaureate degree program.

For the duration of the student's enrollment in the program as an undergraduate student, the institution must report the program's credential level to the Common Origination and Disbursement (COD) System and the National Student Loan Data System (NSLDS) as a bachelor's degree program. Upon the student's receipt of a Direct Unsubsidized Loan for the master's degree portion of the program, the institution must report the student's enrollment as a graduate student to both NSLDS and the COD system.

Changes: None.

Subsidized Usage Period (§ 685.200(f)(1)(iii))

Comments: One commenter stated that the IFR is unclear as to the meaning of academic year. The commenter asked if the term "academic year" in § 685.200(f)(1)(iii) means the period defined in 34 CFR 668.3, and suggested that the preamble to the IFR and subsequent guidance provided by the Department appears to use the term "academic year" to refer to both the title IV academic year and to the academic year for annual loan limit purposes. The commenter stated that it is not clear what period of time the Department intends to use in the denominator when calculating the subsidized usage period, and recommended that the Department clarify the regulation.

Another commenter stated that the combination of using calendar days in the calculation of the usage period and rounding down to the nearest quarter of a year could result in inequitable treatment of borrowers who are enrolled in similar programs that use slightly different academic calendars. While the commenter appreciated that rounding down preserves as much borrower eligibility as possible, the commenter also felt that rounding down would lead to inequitable results for similarly situated borrowers.

Two commenters asked if it is possible that a subsidized usage period calculation could be rounded down to zero.

Discussion: We agree with the commenter who emphasized the importance of drawing a clear distinction between the use of the term "academic year" as defined in 34 CFR 668.3 and the use of the same term for annual loan limit purposes. We have revised § 685.200(f)(1)(iii) to clarify that the calculation of a subsidized usage period is based on the length of the academic year for annual loan limit purposes (which includes, for example, breaks between terms).

We agree with the commenters who identified an unintended consequence of the rounding rules in § 685.200(f)(1)(iii). Because the calculation of a subsidized usage period includes all calendar days of the academic year for annual loan limit purposes (e.g., including breaks between terms), under the IFR it would have been possible for borrowers who received a loan for a single term of an academic year to have had a subsidized usage period that is less than the ratio of the number of terms in the academic year for which the borrower receives a Direct Subsidized Loan to the number of total terms in the academic year.

In creating a rounding rule, we intended to make the subsidized usage period both easier to understand and a round number that would make it more likely that the borrower could utilize his or her remaining eligibility. We believe that these are still important considerations; however, we also believe it is important to ensure that borrowers who are in a similar situation are treated in a similar manner. Accordingly, we have revised the regulations to provide for rounding a borrower's subsidized usage period either up or down (as appropriate) to the nearest tenth of a year, rather than down (and not up) to the nearest quarter of a year.

This approach reduces the likelihood that similarly situated borrowers will have significantly divergent subsidized usage periods. We believe that continuing to round borrowers' subsidized usage periods will make remaining eligibility periods easier to understand and will make it more likely that borrowers have a remaining eligibility period that can be used to borrow an additional Direct Subsidized Loan.

The approach to rounding in the final regulations will eliminate the possibility that a borrower's subsidized usage period could be rounded to zero. Section 685.301(a)(10) specifies that for standard term programs and certain nonstandard term programs, the minimum permissible length of a loan period is a term, or, for non-term and certain nonstandard term programs, the lesser of the length of a program or an academic year. It would not be possible for a term to have a sufficiently short

length to result in an unrounded subsidized usage period of 0.04 or less, and because 34 CFR 668.8 requires that the minimum length of a non-term or nonstandard term program is at least 10 weeks, a subsidized usage period of 0.04 or less is also impossible in that context. Therefore, under the final regulation, a borrower's subsidized usage period will not be rounded down to zero.

Changes: We have revised § 685.200(f)(1)(iii) to specify that the term "academic year" as used to calculate a subsidized usage period is an academic year for annual loan limit purposes.

We have also revised § 685.200(f)(1)(iii) to specify that a subsidized usage period is rounded up or down to the nearest tenth of a year.

Comments: A commenter asked how the Department will ensure the accurate calculation of subsidized usage periods during award year 2013–2014 if three-quarter time enrollment status reporting is not required until award year 2014–2015.

Discussion: Section 685.200(f)(4)(ii) provides that borrowers enrolled on a half-time and three-quarter-time basis will have their subsidized usage periods prorated by 0.5 and 0.75, respectively. As we make the operational changes necessary to implement the regulations, we will require reporting of three-quarter-time enrollment for the 2014–2015 award year. Although the regulations are effective in award year 2013–2014, due to rules governing minimum loan period length (discussed in detail in the preamble to the IFR), borrowers will not lose Direct Subsidized Loan eligibility or interest subsidy until award year 2014–2015. However, calculations involving part-time enrollment that occur prior to the 2014–2015 award year could affect a borrower's overall Direct Subsidized Loan eligibility. We will not require retrospective reporting of additional enrollment status indicators for the 2013–2014 award year; instead, subsidized usage periods for 2013–2014 Direct Subsidized Loans will be prorated on the basis of half-time enrollment if, for any portion of the loan's loan period, the enrollment status reported to NSLDS is at least half-time, but less than full-time. For more information on this topic, please refer to "150% Direct Subsidized Loan Limit Electronic Announcement #3", posted to the Information for Financial Aid Professionals (IFAP) Web site on August 30, 2013, at *http://ifap.ed.gov/eannouncements/083013150DSLLEA3.html.*

Changes: None.

Comments: A commenter asked how situations in which a student is enrolled in a program for a very short period of time (i.e., two-week seminars or less) are treated for purposes of subsidized usage period calculations. The commenter also asked whether the answer is different if those enrollment periods are attached to the beginning or ending of a standard term.

Discussion: Standalone periods of enrollment in very short programs have no effect on a borrower's subsidized usage period because the minimum length of an eligible program (for Direct Loan purposes) is 10 weeks, under 34 CFR 668.8(d)(3)(i). Therefore, institutions cannot originate a Direct Subsidized Loan to borrowers in such a program. In cases where a short period of enrollment in coursework is attached to the beginning or end of a term, that period would be reported as part of the loan period or academic year to COD, and would affect that borrower's subsidized usage period according to the extent that the borrower's loan period and academic year were lengthened as a result of those days of enrollment being included in the calculation of the subsidized usage period.

Changes: None.

Comments: A commenter noted that Dear Colleague Letter GEN 13–13 (*http://www.ifap.ed.gov/dpcletters/GEN1313.html*) states that if any portion of a Direct Subsidized Loan is retained by the institution after the Return to Title IV (R2T4) calculation, that loan period counts towards a borrower's subsidized usage period. The commenter asked whether institutions or students are permitted to return that portion of the loan to avoid this consequence.

Discussion: Under the HEA and the Department's regulations, institutions may cancel all or a portion of a loan within 120 days of disbursement at the request of the borrower. Unless the student requests cancellation within that timeframe or the institution is otherwise legally obligated to cancel all or a portion of the loan, a institution may not return, nor may a borrower repay or cancel, loan funds for the purpose of reducing or eliminating a subsidized usage period.

Changes: None.

Comments: A commenter asked how subsidized usage periods are prorated for borrowers with more than one enrollment status during a loan period.

Discussion: If a borrower has more than one enrollment status during a loan period, we will prorate the borrower's subsidized usage period based on the enrollment status reported at the time of the loan disbursement for the relevant payment period. For example, if a borrower was enrolled half-time in the fall term and full-time in the spring term, we would apply a 0.5 proration to the payment period covering the fall term so that the subsidized usage period for that term would be 0.25. There would be no proration for the payment period covering the spring term. Therefore, the borrower's subsidized usage period in this case would be calculated as 0.75 years and rounded to 0.8 years.

Changes: None.

Borrower Responsibility for Accruing Interest (§ 685.200(f)(3))

Comments: One commenter recommended that the Department allow borrowers to regain the interest subsidy on their existing loans if they regain eligibility to receive additional Direct Subsidized Loans by transferring to a longer program. This commenter believed this would provide greater consistency among students with similar educational trajectories.

Another commenter supported the inclusion of § 685.200(f)(3)(i)(B), which limits a borrower's loss of the interest subsidy to attendance in those programs in which an otherwise-eligible borrower could receive a Direct Subsidized Loan. However, the commenter did not support the regulations which result in reverse transfer students losing the interest subsidy without receiving an additional Direct Subsidized Loan. As noted by the commenter, a borrower who transfers from a two-year program to a one-year certificate program will have a maximum eligibility period of 1.5 years in the one-year program. If that student received two years of Direct Subsidized Loans while in the two-year program, the student would lose eligibility for Direct Subsidized Loans and would lose the interest subsidy on outstanding Direct Subsidized Loans upon enrollment in the one-year program. The lower maximum eligibility period for the one year program results in the borrower having no remaining eligibility period (causing the loss of eligibility). The fact that the borrower is enrolled in an undergraduate program while having no remaining eligibility period results in the loss of the interest subsidy. The commenter believed that this approach penalizes a student who has chosen to continue education in what may, for that student, be a more appropriate program.

Discussion: The commenter's suggestion that the regulations should allow borrowers to regain lost interest subsidy is not consistent with section

455(q) of the HEA. The statute specifies that when the interest subsidy is lost, interest shall accrue and be paid or capitalized in the same manner as on a Direct Unsubsidized Loan. It does not permit the borrower to regain the interest subsidy.

With respect to the commenter's request to limit the loss of the interest subsidy so that borrowers who transfer to programs of shorter duration do not lose the interest subsidy, doing so would be inconsistent with the statute. Section 455(q) of the HEA requires that a borrower who exceeds the 150 percent limitation loses the interest subsidy on existing Direct Subsidized Loans. However, a consequence related to the commenter's concern is limited by § 685.200(f)(3)(iv), which provides that if a borrower completes his or her prior educational program before losing the interest subsidy, enrolling in a shorter program would not cause the borrower to lose interest subsidy.

Changes: None.

Exceptions to the Calculation of Subsidized Usage Periods (§ 685.200(f)(4))

Comments: One commenter expressed concerns about how § 685.200(f)(4)(i) affects borrowers who are enrolled for different periods within an academic year or over multiple academic years. The commenter provided an example in which an institution has a one-year program comprised of four quarters and two entering cohorts: Cohort A and cohort B. Cohort A begins attendance in the program in the fourth quarter of year 1. Because the costs of the program are sufficiently high, cohort A borrowers receive Direct Subsidized Loans in the amount of the annual loan limit for a single term, and have a subsidized usage period of one year under § 685.200(f)(4)(i). Because the program has a maximum eligibility period of 1.5 years, when cohort A continues enrollment in the remainder of the program in year 2, these borrowers would have a remaining eligibility period of 0.5 years and, after exhausting that remaining eligibility period, would lose the interest subsidy on all loans.

Cohort B begins attendance in the program in the first quarter of year 2. The costs also support borrowers in cohort B receiving Direct Subsidized Loans in the amount of the annual loan limit, but for a period of the full academic year. Cohort B would therefore be able to start and finish the program in an academic year without losing eligibility for Direct Subsidized Loans or the interest subsidy on those loans. The commenter recommended revising § 685.200(f)(4)(i), or, as an alternative, allowing institutions to award less than the maximum eligible loan amount.

Another commenter agreed in general with the proration approach for part-time enrollment included in the IFR. However, this commenter noted that this approach produces different results depending on a borrower's enrollment patterns when the borrower receives a loan in the amount of the annual loan limit (see, e.g., examples 1 and 2 in the subsequent discussion section). The commenter believed that a borrower should not be disadvantaged because he or she demonstrated need for a loan in the amount of the full annual loan limit for less than a full year of attendance. The commenter believed that a borrower enrolled part-time should have a prorated subsidized usage period even if he or she received a Direct Subsidized Loan in the amount of the full annual loan limit for a period that is less than a full academic year.

Discussion: Under section 428G of the HEA, a borrower can receive a Direct Subsidized Loan in an amount equal to the full annual loan limit for a period that is less than a full academic year (e.g., a semester). As we explained in the preamble to the IFR, "absent § 685.200(f)(4)(i), a borrower would be able to partially circumvent the limitations on Direct Subsidized Loan eligibility enacted by MAP–21; an institution could double a borrower's Direct Subsidized Loan eligibility by disbursing the full annual Direct Subsidized Loan limit for a single term of the academic year (e.g., one semester)." 78 FR at 28962.

With respect to the commenter's example illustrating concerns regarding the effect of this provision, if, due to program cost, a borrower receives in a single quarter a loan in the amount of the full annual loan limit for an entire academic year, then the borrower would have a subsidized usage period of one year. However, in the absence of § 685.200(f)(4)(i), the borrower in the commenter's example would be able to again receive the full annual loan limit at the beginning of the next academic year, and upon completion of the one-year program, would have received twice the amount of the full annual loan limit of Direct Subsidized Loan funds for the same program. We believe this is directly contrary to statutory intent. We believe that § 685.200(f)(4)(i) will effectively mitigate this problem. We do note that institutions are permitted to counsel borrowers on the amount of loan funds that may be advisable to accept and may refuse to originate loans on a case-by-case basis.

However, we agree with the other commenter's concerns regarding the interaction of the annual loan limit exception and the proration of subsidized usage periods for part-time borrowers under § 685.200(f)(4)(ii). Under the IFR, a part-time student who receives a loan in the amount of the annual loan limit for a period less than an academic year has a subsidized usage period of one year, notwithstanding the part-time enrollment. This framework results in differences in borrowers' subsidized usage periods that is disproportionate to their relative enrollment levels (see the discussion of examples 1 and 2 in the next paragraph). To mitigate this difference, the final regulations apply the annual loan limit provision of § 685.200(f)(4)(i), but also apply the proration of § 685.200(f)(4)(ii) based on the borrower's part-time enrollment status. The final regulations therefore minimize differing treatment of similarly situated borrowers while continuing to limit circumvention of the 150 percent limitation.

The following two examples illustrate the operation of the final regulations. (Note: these examples incorporate the revised rounding rule discussed earlier in the preamble to the final regulations.)

Example 1: Borrower A and Borrower B are both enrolled half-time and both enrolled in the fall term only. Borrower A receives a Direct Subsidized Loan in the amount of the annual loan limit and Borrower B receives a loan for less than the annual loan limit.[1]

[1] The unrounded subsidized usage period for Borrower B is approximately 0.24, resulting in a rounded subsidized usage period of 0.2.

SUBSIDIZED USAGE PERIOD

Borrowers	Received annual loan limit?	Enrollment status	Enrollment period	Existing rule (years)	Revised rule (years)
Borrower A	Yes	Half-time	Fall term only	1	0.5
Borrower B	No	Half-time	Fall term only	0.2	0.2

Under the IFR, when two half-time students are each receiving a Direct Subsidized Loan for a single term, the borrower who receives a loan in the amount of the annual loan limit has a subsidized usage period five times greater than the borrower who does not.

The final regulations continue to apply the annual loan limit exception to part time borrowers—limiting the potential loophole by ensuring that such a borrower's subsidized usage period reflects the amount of Direct Subsidized Loan funds that the borrower receives—but would also take into account the borrower's less-than-full-time enrollment. As the example shows, the effect of this revised treatment is that Borrower A has a subsidized usage period of 0.5 years rather than one year for receiving the full annual loan limit for a single term when enrolled half-time.

Example 2: Borrower C and Borrower D are both enrolled half-time and both receive a Direct Subsidized Loan in the amount of the annual loan limit. Borrower C receives a loan for the fall semester only and Borrower D receives a loan for both the fall and spring semesters (the full academic year).

SUBSIDIZED USAGE PERIOD

Borrowers	Received annual loan limit?	Enrollment status	Enrollment period	Existing rule (years)	Revised rule (years)
Borrower C	Yes	Half-time	Fall term only	1	0.5
Borrower D	Yes	Half-time	Fall and spring terms	0.5	0.5

Both borrowers receive a loan in the amount of the full annual loan limit. Under the IFR, however, Borrower C receives a loan for a shorter period and has a subsidized usage period that is twice as large as Borrower D, who receives an equivalent loan amount for a longer period.[2] The revision made in the final regulations results in both borrowers—who receive the same amount of money—receiving the same subsidized usage period.

Changes: We have removed the reference to the annual loan limit exception in § 685.200(f)(4)(ii).

Comments: A commenter expressed support for the part-time proration provisions in § 685.200(f)(4)(ii), but expressed concern about the subsidized usage period calculation in § 685.200(f)(1)(iii). The commenter stated that, under this provision, otherwise equivalent borrowers with differing academic calendars could have different subsidized usage periods. The commenter illustrated this argument with an example: Suppose two borrowers—one in a semester-based program and the other in a quarter-based program—both attend for 15 weeks of their program, and then both discontinue attendance after 15 weeks. The first borrower has a subsidized usage period corresponding to half the year for attendance in one semester. However, the second borrower would have a higher subsidized usage period because that borrower's loan period would extend to the end of the second quarter of the academic year, and therefore comprise a higher proportion of the academic year than for the borrower enrolled in a semester-based program. The commenter suggested that the calculation of the borrowers' subsidized usage periods should be based on the borrower's actual dates of attendance, rather than on the loan period.

Discussion: We believe that the changes to the rounding rules described in the "subsidized usage period" discussion in this preamble will minimize the differences in subsidized usage period calculations for generally comparable borrowers. However, a borrower who discontinues enrollment in the middle of a term or payment period received the benefit of the loan and, therefore, has a higher subsidized usage period, commensurate with that increased benefit. Under these regulations, borrowers accrue subsidized usage periods for terms or payment periods in which they receive and retain loan proceeds.

Changes: None.

Comments: A commenter asked how the annual loan limit provision in § 685.200(f)(4)(i) applies to a student's final period of enrollment, where a student may receive the annual loan limit in a prorated amount.

Discussion: Section 685.200(f)(4)(i) applies only in the case where a borrower receives a loan in the amount of the full annual loan limit for a period of enrollment of less than an academic year. In the circumstance described by the commenter, where the borrower receives a prorated amount of the annual loan limit for enrollment in the final term of an academic program, the borrower has not received the full annual loan limit. Therefore, § 685.200(f)(4)(i) does not apply and the borrower's subsidized usage period is calculated as described in § 685.200(f)(1)(iii).

Changes: To minimize confusion, we have revised § 685.200(f)(4)(i) to provide that only a Direct Subsidized Loan received in the amount of the "full" annual loan limit (as described in §§ 685.203(a)(1)(i), (a)(2)(i), (a)(3)(i), (a)(4), (a)(6)(i), and (a)(7)) causes a borrower to have a subsidized usage period of one year for a period of enrollment less than an academic year.

Treatment of Preparatory Coursework (§ 685.200(f)(6))

Comments: One commenter expressed support for the treatment of preparatory coursework in the IFR, but requested clarification that the regulation only limits loan receipt to twelve months, rather than prohibiting students from enrolling in preparatory coursework for a period greater than 12 months.

Discussion: The commenter is correct. The IFR did not create a limitation on the length of a student's enrollment. The

[2] Borrower D has a subsidized usage period of 0.5 years under both the existing rule and the revised rule because § 685.200(f)(4)(i) applies to borrowers who receive the annual loan limit for a period of *less than an academic year.* Therefore, the proration rules for a part-time borrower apply under existing regulations for borrowers who receive the annual loan limit for the full academic year.

Department's regulations do not prevent students from enrolling in academic programs—the Department's regulations address the requirements related to the administration of the programs authorized under the HEA. A borrower may enroll in preparatory coursework for a period greater than 12 months to the extent permitted by the institution, but may not receive title IV aid for any period beyond 12 months.

Changes: None.

Treatment of Teacher Certification Programs for Which an Institution Does Not Award an Academic Credential (§ 685.200(f)(7))

Comments: One commenter expressed support for the treatment of non-credential teacher certification programs in the IFR.

Discussion: The Department appreciates the commenter's support.

Changes: None.

Additional Reporting Requirements and Modifications to Departmental Systems

Comments: As discussed in the preamble to the IFR, institutions must report to the Department the Classification of Instructional Programs (CIP) Codes for their title IV eligible programs. Two commenters noted that the existing definition of the term "educational program" in 34 CFR 600.2 makes no reference to the subject matter covered by the educational program. These commenters believe that submission of CIP Codes is not needed for the implementation of the 150 percent requirements, and should not be required.

One commenter objected to the requirement that institutions report the CIP Code, credential level, and length of program to both NSLDS and the COD System. The commenter believed that requiring this information to be reported to both systems was unnecessary, because the Department could distribute the data internally, as needed.

Another commenter asserted that these regulations require reporting that is impractical for institutions with large enrollments. The commenter also stated that updating loan periods or academic year dates so frequently is not feasible without extraordinary manual intervention.

Discussion: In response to the comment about the CIP Codes, we note that this information is necessary to properly determine the program in which the borrower is enrolled. A CIP Code is a six-digit identifier that designates the subject matter of the program and therefore distinguishes between separate programs of study. As we stated in the preamble of the IFR, it is necessary for the Department to collect this information because "section 455(q) of the HEA and the implementing regulations require that the borrower's maximum eligibility period be determined program by program." 78 FR at 28971. By identifying the program of study, CIP Code reporting will allow the Department to verify the proper reporting of loan receipt and changes in program enrollment to determine whether the borrower should lose the interest subsidy. This information, including CIP Codes, is necessary to ensure that other information reported by institutions is accurate and that borrowers' maximum eligibility periods and remaining eligibility periods are correctly calculated. While the commenter is correct that the definition of "educational program" in 34 CFR 600.2 does not specifically refer to a CIP Code, this definition does not preclude the Secretary from requiring institutions to report CIP Codes as part of the normal course of reporting Direct Loan origination and disbursement information to the COD System or enrollment information to NSLDS.

One goal of MAP–21 and the IFR and final regulations is to encourage students to complete their programs of study in a timely fashion by limiting Direct Subsidized Loan receipt and the interest subsidy. Without the collection of CIP Codes, we would not have sufficient information to perform meaningful analysis of this policy. The collection of the CIP Code is therefore necessary for the Department to implement the requirements of section 455(q) of the HEA.

With respect to the commenter's suggestion that the Department transfer data internally, we note that the two systems will be collecting the data at different times and for different purposes. For example, the data in the COD System will be used to determine a borrower's eligibility for a Direct Subsidized Loan under the 150 percent limit. Institutions report information to the COD system when originating or disbursing a Direct Loan (or reporting a change to a previously submitted origination or disbursement record). Because the COD System and NSLDS need the information about a borrower's program of study as of different times, institutions must report the same types of information to both systems. Although the information reported through the two systems is similar, the specific information being reported will sometimes differ due to the passage of time. Thus, the internal transfer of data is not a viable approach.

Finally, with respect to the commenter with concerns regarding the burden on institutions associated with adjusting borrowers' records in COD and NSLDS: While we understand that the patterns described by the commenter do occur, we believe they are rare, and that for most borrowers, reporting enrollment and loan data will be straightforward. Nevertheless, we appreciate that for some borrowers, adjusting loan records requires additional work, and we appreciate that this task is one of many required of title IV aid administrators to help ensure the appropriate administration and awarding of title IV aid.

We also note, however, that the requirement that institutions update information is not new—institutions should have always been updating loan period and academic year dates, as necessary, in the COD system. This is especially the case for borrowers who withdraw and commence attendance at another institution, which must rely on the original institution's reporting of loan period and academic year information in tracking the borrower's progress toward the annual loan limit. If this information is not updated, it is possible that an institution will allow a borrower to receive Direct Loan funds in excess of the annual loan limit. To participate in the title IV programs, an institution is required to maintain proper records and meet numerous reporting requirements. Compliance with these requirements is necessary not only for the integrity of the taxpayer funds used to finance the title IV programs, but to ensure that only eligible students are receiving aid.

Congress required that a borrower's receipt of Direct Subsidized Loans be limited to a period of 150 percent of the borrower's program length. To attempt to ease the burden on institutions, the Department undertook the obligation of determining the borrowers' eligibility and possible loss of the interest subsidy. We believe that the alternative—requiring institutions to track borrower histories and make eligibility determinations with negative institutional consequences when funds were improperly disbursed—would be even more burdensome than properly reporting loan period dates, academic year dates, and additional information pertaining to a borrower's program of study.

Changes: None.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

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.

The regulatory changes made by the IFR were estimated to have an annual effect on the economy of more than $100 million because the transfers between borrowers who exceed the 150 percent limit and the government total approximately $3.9 billion over loan cohorts 2013 to 2023 and the extension of the 3.4 percent interest rate for subsidized loans made between July 1, 2012 and June 30, 2013 represented a transfer from the Federal government to Direct Subsidized Loan borrowers of $5.7 billion over loan cohorts 2012 to 2022.

For purposes of this analysis, we deem the rulemaking to consist of the IFR as modified by these final regulations. Therefore, this final regulatory action is "economically significant" and subject to review by OMB under section 3(f)(1) of Executive Order 12866. Notwithstanding this determination, we have assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action and have determined that the benefits justify the costs.

We have also reviewed these regulations pursuant to 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, 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 specifying the behavior or manner of compliance that regulated entities must adopt; and

(5) Identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Executive Order 13563 requires agencies "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 within OMB 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 upon a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

We also have determined that these final regulations will not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In this regulatory impact analysis (RIA) we discuss the potential costs and benefits of the IFR as revised by the final regulations. To provide context for the changes made in response to comments received about the IFR, we have included a brief summary of the statutory and regulatory requirements relating to the 150 percent limitation. A full description and analysis of the 150 percent statutory and regulatory requirements and the regulatory impact of the IFR is available in the IFR published in the **Federal Register** on May 16, 2013 (78 FR 28954).

1. Summary of the IFR

The IFR implemented the statutory requirements in MAP–21 that limit the availability of Direct Subsidized Loans to 150 percent of the program length and that cause borrowers to become responsible for accruing interest if they are no longer eligible for Direct Subsidized Loans as a result and then enroll in a program of study. The IFR included regulations: (i) Implementing the 3.4 percent interest rate for Direct Subsidized loans first disbursed on or after July 1, 2012, and before July 1, 2013; (ii) establishing the rules implementing the 150 percent policy including how the relevant periods would be measured, and under what circumstances students would become responsible for accruing interest on existing loans and be ineligible for further subsidized loans; (iii) determining the treatment of part-time enrollment, teacher preparation programs, and preparatory coursework; and (iv) modifying exit and entrance counseling requirements for providing borrowers information regarding the 150 percent limit on Direct Subsidized loans. The estimated $3.957 billion in net budget savings that will be generated by the IFR will contribute to paying for the extension of the 3.4 percent interest rate on Direct Subsidized Loans made between July 1, 2012, and June 30, 2013, which was estimated to cost $5.6 billion in outlays over the 2012 to 2022 loan cohorts.

The Federal government and student borrowers are most directly affected by the statutory changes implemented in the IFR. As discussed in the IFR, first-time borrowers as of July 1, 2013, who are otherwise eligible for Direct Subsidized Loans will not be eligible for additional Direct Subsidized Loans after taking out Direct Subsidized Loans for a period that equals or exceeds 150 percent of the published length of their program. The limitation has two parts: (1) The determination that a borrower has received Direct Subsidized Loans for a period equal to or greater than 150 percent of the length of the borrower's program, and (2) once that limit has been reached or exceeded, the borrower's responsibility for accruing interest on prior undergraduate loans is triggered by the borrower's further enrollment in an undergraduate program of equal or shorter duration, except for borrowers who complete their programs before becoming responsible for accruing interest. The borrower is responsible for interest that accrues from the date that he or she becomes

responsible for accruing interest, not from the original disbursement date of the loan.

As detailed in the IFR, the Department used a simulated pool of borrowers, borrowing patterns in existing NSLDS cohorts, and the Department's student loan model to estimate which borrowers will become ineligible for further Direct Subsidized loans, which borrowers would become responsible for accruing interest, and the net budget impact of a shift in volume from subsidized to unsubsidized loans. The IFR also described the treatment of teacher preparation programs and preparatory coursework for undergraduate and graduate programs. As discussed, the estimated net budget impact of the 150 percent regulations in the IFR was a savings of $3.957 billion. The process also allowed the Department to quantify the effect of the IFR on student borrowers. The percentage of borrowers estimated to exceed the 150 percent limit increases in later cohorts as the percentage of the cohort representing first-time borrowers after July 2013 increases. The percentage of borrowers affected reaches approximately 6.54 percent by the 2023 cohort; by that date, almost all borrowers should be first-time borrowers who are subject to the final regulations. The affected borrowers, approximately 578,000 by the 2023 cohort, would lose eligibility for future Direct Subsidized Loans and become responsible for accruing interest.

While the 150 percent limitation implemented in the IFR most directly affects the Federal government and students, institutions of higher education (IHEs) will face additional reporting and financial aid counseling requirements. The Department estimated that this reporting and financial aid counseling activity will cost IHEs approximately $1.6 million, as detailed in the *Paperwork Reduction Act* section of the IFR. In the IFR, the Department welcomed comments about the estimates of the costs and benefits. No comments about the analysis were received.

2. Regulatory Alternatives Considered and Analysis of Significant Comments

In this portion of the RIA we describe the regulatory alternatives that the Department considered for the interim final regulations and significant changes made in these final regulations as compared to the alternative of retaining the treatment of the issue from the IFR. As described in the *Analysis of Comments and Changes,* comments were received from fourteen parties in response to the IFR, and the following changes were made in response to those comments.

Subsidized Usage Period for Rounding Methodology: In response to comments about the calculation of the subsidized usage period and whether a subsidized usage period of 0.24 or less should be rounded down to zero, the Department revised the rounding methodology used to calculate a borrower's subsidized usage period. The rounding rule is meant to be easy to understand, to leave borrowers with a remaining subsidized usage period that they can use, and to provide similar treatment for similarly situated borrowers. The Secretary changed the rounding methodology from rounding down to the nearest quarter in the IFR to rounding up or down to the nearest tenth in these final regulations. This will lead a borrower who enrolls in the Fall semester and not the Spring semester and who has an unrounded subsidized usage period of 0.46 to have a rounded subsidized usage period of .5 instead of .25.

Proration of Subsidized Usage Period and the Annual Loan Limit Exception: In response to comments about the interaction of the annual loan limit exception and the proration of subsidized usage periods for part-time borrowers, the Department decided to retain the annual loan limit provision of the IFR and then apply proration for part-time enrollment for a period of less than a full academic year. Under the IFR, a borrower who receives the full annual loan limit for a period of less than an academic year would have a subsidized usage period of one year, even if the student was enrolled part-time. Examples discussed in the *Analysis of Comments and Changes* section of this preamble demonstrate how this rule could interact with the proration for part-time borrowing to create different results for similarly situated borrowers. The revised rules for the proration of usage periods for part-time borrowers who receive the full annual loan limit for enrollment that is less than a full academic year may result in some students having longer subsidized usage periods compared to the result under the IFR.

Treatment of Baccalaureate Degree Completion Programs and Selective Admission Associate Degree Programs: Commenters noted that several institutions offer baccalaureate degree completion programs that are two years in length because credit is given for a student's prior work or credits. To minimize the differences in treatment of a student who completes two years of coursework and then transfers to one of these degree completion programs and a borrower who transfers to a four-year program, the Department has decided that, for purposes of the 150% limitation, two-year programs that meet certain criteria will be considered baccalaureate degree programs equivalent to those that are four years in duration. These institutions are permitted to report a four-year program length for these programs to the Department, for a maximum usage period of six years. To qualify for this treatment, an institution that offers these two year programs must require, as a prerequisite for admission into the program, completion of an associate degree or the successful completion of at least two years of postsecondary coursework in an eligible program.

Several commenters also pointed out that some associate degree programs are similar to the baccalaureate degree completion programs previously described in that they require the completion of a separate associate degree or two years of coursework prior to admission. If these programs are treated as two year programs for purposes of the 150 percent limitation, students in these programs would not have a sufficient remaining subsidized usage period to complete the program if they received Direct Subsidized Loans to complete the prerequisite degree or coursework. The Department decided to create a narrowly tailored special rule to address the concern for these specialized programs. Under these final regulations, associate degree programs that are designed specifically to confer a more specialized credential after completion of postsecondary coursework and that are equivalent in length to a baccalaureate degree program are allowed to report a program length of four years. Qualifying programs must be selective admission programs that admit students based on competitive criteria such as grade point average, entrance exam scores, written essays, recommendation letters and class rank, or other factors and be in a profession that requires licensure or certification by the State.

Taken together, the Department estimates that the changes in these final regulations will not have a significant net budget impact. Rounding up or down to the nearest tenth instead of down to the nearest quarter may result in some students losing Direct Subsidized Loan eligibility or interest subsidy absent the revised calculations. However, the other changes in these final regulations (the proration for part-time, part-year borrowers who receive the full annual loan limit or the special rule for selective admission or bachelor's degree completion programs)

will result in the retention of loan eligibility or interest subsidy for some borrowers who might have otherwise lost such eligibility. We expect the number of students affected by these changes to be insubstantial. For example, the Department estimates that less than two percent of part-time, part-year borrowers receive the full annual loan limit. In total, these changes are offsetting and do not have a significant effect on the net budget impact detailed in the interim final regulations.

The IFR described the Department's consideration of multiple approaches to the treatment of preparatory coursework and teacher certification coursework. In the case of preparatory coursework, the Department wanted to ensure that the regulations did not have a significant negative impact on borrowers who need this coursework to prepare for undergraduate studies. Research shows that preparatory coursework only has a modest effect on the length of time that students take to graduate.[3] For this reason, we declined to treat these courses as stand-alone programs for the purposes of subsidized loan eligibility. In this preamble, the Department clarified that the 12-month limitation related to preparatory coursework is on Direct Subsidized Loan receipt and not enrollment. With respect to teacher certification coursework, because many States require teachers to obtain such certificates as a prerequisite for teaching or as a requirement to continue teaching, the Department concluded that these programs should be treated as stand-alone programs for purposes of the 150 percent limit and that the borrower's eligibility for subsidized loans will not be affected by periods in which the borrower received Direct Subsidized Loans for earlier undergraduate programs. However, to be consistent with the overall intent of the 150 percent limitation, we provided in the IFR that teacher certification coursework is a continuation of any previous teacher certification coursework for the purpose of subsidized loan eligibility. No changes were made to this policy in response to comments.

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 the following table we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of the IFR and these final regulations. This table provides our best estimate of the changes in annual monetized transfers as a result of the IFR and final regulations. Expenditures are classified as transfers between affected student loan borrowers and the Federal government and the IHEs' cost of compliance with the paperwork requirements.

ACCOUNTING STATEMENT CLASSIFICATION OF ESTIMATED EXPENDITURES

[in millions]

Category	Amount or description
Annual Benefits	Not quantified. The 150% limit may encourage borrowers' on-time completion of programs.
Annual Costs	$5.21 (7%). $5.31 (3%). Cost of Paperwork Compliance.
Annualized Monetized Transfers associated with 150 percent limit as defined in the IFR as compared to a pre-statutory baseline.	$212.8 (7%). $237.6 (3%).
From Whom To Whom?	From affected student loan borrowers to the Federal government.
Annualized Monetized Transfers associated with the extension of the 3.4% interest rate to Direct Subsidized loans first disbursed on or after July 1, 2012 and before July 1, 2013. The baseline is the IFR.	$690.8 (7%). $619.9 (3%).*
From Whom To Whom?	From the Federal government to affected student loan borrowers.

*These figures reflect the annual monetized transfers associated with the estimated $3.957 billion in net budget savings that will be generated by the amendments in the IFR and these final regulations and will contribute to paying for the extension of the 3.4 percent interest rate on Direct Subsidized Loans made between July 1, 2012, and June 30, 2013, which is estimated to cost $5.6 billion in outlays over the 2012 to 2022 loan cohorts.

Regulatory Flexibility Act Certification

In the IFR, published May 16, 2013, the Department analyzed the effect of the regulations on small entities and asked for comments about the analysis. The estimated burden on small entities from the requirements in the IFR is summarized in Table 1.

TABLE 1—ESTIMATED PAPERWORK BURDEN ON SMALL ENTITIES

	Reg section	OMB control No.	Cost	Cost per institution
COD reporting of enrollment status, program length, teacher preparation programs, preparatory coursework, and CIP code.	685.301(e)	OMB 1845–NEW1	$852,234	$195
NSLDS reporting	685.309(b)	OMB 1845–NEW1	65,953	15
Additional entrance and exit counseling requirements	685.304	OMB 1845–NEW1	268,566	62

We did not receive any comments on our regulatory flexibility analysis in the IFR, and did not make any changes in the final regulations that affected this analysis. Therefore, the estimated

[3] Paul Attewell et al., "New Evidence on College Remediation," *Journal of Higher Education* 77, no. 5 (October 2006): 886–924.

burden analyzed in the IFR remains the same.

Paperwork Reduction Act of 1995

We received no comments on the Paperwork Reduction Act portion of the IFR and none of the changes to the regulation increase or decrease the burden associated with the regulation. OMB initially approved the collection of information necessary to implement the 150 percent limit under OMB control number 1845–0116 on an emergency basis, which limited the collection's authority to six months (the emergency approval of the collection expires on December 31, 2013). The collection is currently undergoing full Paperwork Reduction Act review, with the attendant 60- and 30-day comment periods.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

In the IFR we requested comments on whether the 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 this request and 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**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

You may also view this document in text or PDF at the following site: *www.ifap.ed.gov.*

(Catalog of Federal Domestic Assistance Number: 84.268 William D. Ford Direct loan Program)

List of Subjects in 34 CFR Part 685

Colleges and universities, Education loan programs—education, Student aid.

Dated: January 14, 2014.

Arne Duncan,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary 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 (f)(1)(iii), removing the words "down to the nearest quarter" and adding, in their place, the words "to the nearest tenth".

■ B. In the formula for calculating a subsidized usage period in paragraph (f)(1)(iii), adding the words "for annual loan limit purposes" after the words "days in the academic year".

■ C. In paragraph (f)(4)(i), adding the word "full" before the words "annual loan limit".

■ D. In paragraph (f)(4)(ii), removing the words and punctuation "Except as provided in paragraph (f)(4)(i) of this section, for" and adding "For" in their place.

■ E. Adding paragraph (f)(8).

The addition reads as follows:

§ 685.200 Borrower eligibility.

* * * * *

(f) * * *

(8) *Special admission degree programs.* (i) For purposes of calculating the maximum eligibility period, a bachelor's degree program that requires an associate degree or the successful completion of at least two years of postsecondary coursework as a prerequisite for admission has a program length of four years.

(ii) For purposes of calculating the maximum eligibility period, a selective admission associate degree program that requires an associate degree or the successful completion of at least two years of postsecondary coursework as a prerequisite for admission has a program length of four years. For purposes of this paragraph (f)(8)(ii), a selective admission associate degree program—

(A) Admits only a selected number of applicants based on additional competitive criteria which may include entrance exam scores, class rank, grade point average, written essays, or recommendation letters; and

(B) Provides the academic qualifications necessary for a profession that requires licensure or a certification by the State.

* * * * *

[FR Doc. 2014–00928 Filed 1–16–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0650; FRL–9905–54–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Consent Decree Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a portion of Indiana's construction permit rule for sources subject to the state operating permit program regulations. These provisions authorize the state to incorporate terms from Federal consent decrees and Federal district court orders into these construction permits. EPA is also approving public notice requirements for these permit actions. These rules will help streamline the process for making Federal consent decree and Federal district court order requirements permanent and Federally enforceable.

DATES: This final rule is effective on February 18, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2012–0650. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at

the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Sam Portanova, Environmental Engineer, at (312) 886–3189 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3189, *portanova.sam@epa.gov.*

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

I. What is EPA addressing in this document?
II. What is EPA's response to adverse comments?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is EPA addressing in this document?

On March 15, 2013, EPA published a direct-final rule approving 326 IAC 2–7–10.5(b) and 326 IAC 2–7–10.5(k) as revisions to Indiana's State Implementation Plan (SIP) (78 FR 16412). This rule revision authorizes Indiana to issue construction permits to sources subject to the state operating permit program regulations at 40 CFR part 70 (part 70 sources) that include requirements from Federal district court orders that adjudicate violations and Federal consent decrees. Permits incorporating these requirements are issued to sources that are subject to title V of the Clean Air Act (CAA). This rule revision also requires public notice procedures for these permitting actions.

On the same date, EPA also proposed to approve the revisions (78 FR 16449). On May 6, 2013, in a separate action, we withdrew the direct final rule because we received adverse comments (78 FR 26258). The proposed approval remained in effect. Today, we are responding to those comments and taking final action to approve Indiana's SIP revision request.

II. What is EPA's response to adverse comments?

EPA received one set of adverse comments on the March 15, 2013, proposed approval of this Indiana rule. EPA's response to these comments is as follows:

Comment: Federal consent decrees are not applicable requirements under title V and should not be incorporated into title V permits. EPA should equivocally state whether or not consent decree requirements are title V applicable requirements as there appears to be conflicting guidance on this point.

Response: The title V issue raised by this comment is not directly related to this action because this action authorizes Indiana to incorporate consent decree terms in construction permits, not title V permits. However, if consent decree terms are incorporated into a construction permit, there are consequences under title V. The definition of "applicable requirement" in 40 CFR 70.2 includes "[a]ny term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under title I of the Act. . . ." These construction permits are issued pursuant to programs approved by EPA under title I of the CAA. Thus, once the title I permits are issued, the terms, including terms reflecting requirements from Federal district court orders and Federal consent decrees, are "applicable requirements" under this provision of the title V regulations and must be included in the source's title V permit. See also 326 IAC 2–7–1(6)).

Comment: Not all consent decree requirements are permanent and thus some should expire at the time of consent decree termination. It should also be noted that requirements that become "permanent" under title V are not really permanent—they can be changed or modified by going through a new permit application.

Response: For the reasons discussed above, the title V issue raised by this comment is not directly related to this action. The rule does not require the Indiana Department of Environmental Management (IDEM) to incorporate all consent decree requirements into construction permits, only "control requirements and emission limitations." However, some requirements are intended to remain in effect after the consent decree terminates. Specifically, some consent decrees require a source to establish emission limitations and control requirements on a permanent basis (e.g., through a SIP revision or a construction permit).

Comment: Not all consent decree requirements are necessarily instances of noncompliance with existing requirements. If some consent decree requirements are required to be incorporated into title V permits and/or construction permits, the consent decree requirements can be included in a permit application as a compliance schedule for the alleged non-compliance cited in the consent decree. There is no need for this additional authority.

Response: For the reasons discussed above, the title V issue raised by this comment is not directly related to this action. However, once the title I permits are issued, the terms are "applicable requirements" under subparagraph (2) of the definition of "applicable requirement" in 40 CFR 70.2 and must be included in the source's title V permit. Also, the rule does not require IDEM to incorporate all consent decree provisions into the construction permits, only those relating to control requirements and emission limitations.

Comment: It is also curious why the authority is limited to Federal consent decrees and does not also include state agreed orders.

Response: The CAA requires SIPs to contain enforceable limitations. See Section 110(a)(2)(A). It does not address the Federal enforceability of state agreed orders. As such, it is not necessary to establish a Federally enforceable requirement pursuant to title I of the CAA for state orders.

Comment: Why is there a need for additional public comment for incorporating Federal consent decree requirements into title V permits? There is ample time for the public to comment on Federal consent decrees after the decree is lodged before it is entered by the court. Any requirements that are required to be put into a permit should be done as an administrative amendment without any comment by the public or EPA. Why create additional un-needed bureaucracy?

Response: For the reasons discussed above, the title V issue raised by this comment is not directly related to this action because this action authorizes Indiana to incorporate consent decree terms in construction permits, not title V permits. The intent of this rule is to lessen the bureaucratic burden on the state with regards to implementing consent decree requirements. The method IDEM currently uses for establishing consent decree requirements as permanent and Federally enforceable is to adopt them as source-specific SIP requirements. This process is more resource-intensive and time consuming than the state construction permit process provided for in 326 IAC 2–7–10.5(b).

III. What action is EPA taking?

EPA is approving Indiana's source construction permit rule provisions applicable to Part 70 sources at 326 IAC 2–7–10.5(b) and 326 IAC 2–7–10.5(k). These provisions authorize the state to incorporate terms from Federal consent decrees or Federal district court orders

into these construction permits and provide a public notice requirement for these actions.

IV. Statutory and Executive Order Reviews

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 18, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subject in 40 CFR Part 52

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

Dated: January 2, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770 the table in paragraph (c) is amended by adding a new entry in "Article 2. Permit Review Rules" for "Rule 7. Part 70 Permit Program" in numerical order to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
Article 2. Permit Review Rules				
*	*	*	*	*
Rule 7. Part 70 Permit Program				
2–7–10.5	Part 70 permits; source modifications.	03/7/2012	01/17/2014, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	(b) and (k) only.
*	*	*	*	*

* * * * *

[FR Doc. 2014–00751 Filed 1–16–14; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 4, and 12

[PS Docket No. 13–75; PS Docket No. 11–60; FCC 13–158]

Improving 9–1–1 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) adopts rules to improve the reliability and resiliency of 911 communications networks nationwide by requiring that 911 service providers take "reasonable measures" to provide reliable 911 service. Providers subject to the rule can comply with the reasonable measures requirement by either implementing certain industry-backed "best practices" the Commission adopted, or by implementing alternative measures that are reasonably sufficient to ensure reliable 911 service. The FCC also requires 911 service providers to provide public safety answering points (PSAPs) with timely and actionable notification of 911 outages.

DATES: Effective February 18, 2014 except for § 12.4(c) and (d)(1), which contain information collection requirements that have not been approved by Office of Management and Budget. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT: Eric P. Schmidt, Attorney Advisor, Public Safety and Homeland Security Bureau, (202) 418–1214 or *eric.schmidt@fcc.gov*. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Benish Shah, (202) 418–7866, or send an email to *PRA@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in PS Docket No. 13–75 and PS Docket No. 11–60, FCC 13–158, released on December 12, 2013. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554, or online at *http://www.fcc.gov/document/fcc-adopts-rules-improve-911-reliability*.

I. Introduction

1. The Commission was spurred to adopt these rules following the devastating impact many telecommunications networks experienced as a result of the unanticipated "derecho" storm in June 2012. This storm swiftly struck the Midwest and Mid-Atlantic United States, leaving millions of Americans without 911 service and revealing significant, but avoidable, vulnerabilities in 911 network architecture, maintenance, and operation. After a comprehensive inquiry into the causes of 911 outages during the derecho, as well as 911 network reliability more generally, the FCC's Public Safety and Homeland Security Bureau (PSHSB or Bureau) determined that many of these failures could have been mitigated or avoided entirely through implementation of network-reliability best practices and other sound engineering principles.

2. The Commission requires 911 service providers to take "reasonable measures" to provide reliable 911 service, based on best practices developed by the FCC's Communications Security, Reliability, and Interoperability Council (CSRIC) advisory committee, with refinements designed to add clarity and specific guidance regarding how those practices should be implemented in the context of 911 networks. Providers will demonstrate their compliance by filing an annual certification. The certification elements the Commission are based on best practices identified by CSRIC as critical or highly important, indicating that they significantly reduce the potential for a catastrophic failure of communications or—at a minimum—improve the likelihood of emergency call completion.

3. The Commission seeks to maximize flexibility and account for differences in network architectures without sacrificing 911 service reliability. Accordingly, service providers that certify annually that they have implemented certain industry-backed "best practices," will be deemed to satisfy the reasonable measures requirement. Providers may also certify that they have taken alternative measures reasonably sufficient in light of the provider's particular facts and circumstances to ensure reliable 911 service, so long as they briefly describe such measures and provide supporting documentation to the Commission. Similarly, service providers may respond by demonstrating that a particular certification element is not applicable to their networks, but they must include a brief explanation of why the element does not apply.

4. Based on the information included in the certifications, the Commission may require remedial action to correct vulnerabilities in a service provider's 911 network if it determines that (a) the service provider has not, in fact, adhered to the best practices incorporated in our rules or, (b) in the case of providers employing alternative measures, that those measures were not reasonably sufficient to mitigate the associated risks of failure in one or more of these three key areas. The Commission delegates authority to the Bureau to review certification information and follow up with service providers as appropriate to address deficiencies revealed by the certification process.

5. The FCC also amends its outage reporting rules under part 4 to clarify Covered 911 Service Providers' obligations to provide PSAPs with timely and actionable notification of outages affecting 911 service.

II. Background

A. 911 Network Architecture

6. The primary function of the 911 network is to route emergency calls to the geographically appropriate PSAP based on the caller's location. When a caller dials 911 on a wireline telephone, the call goes to the local switch serving that caller, as is typical with any other call. The local switch then sends the call to an aggregation point called a selective router, which uses the caller's phone number and address to determine the appropriate PSAP to which the call should be sent. Calls to 911 from wireless phones flow through a switch called a mobile switching center before reaching the selective router. For wireless calls, the sector of the cell tower serving the call provides the approximate location of the caller and is used to determine to which PSAP the call is sent. To complete the call, a connection is set up between the selective router and the appropriate PSAP, typically through a central office serving that PSAP.

7. Once a 911 call reaches the appropriate PSAP, the PSAP queries an automatic location information (ALI) database to determine the location of the caller. For wireline calls, ALI is based on the address associated with the caller's phone number. For wireless calls, providers use various technologies to determine the caller's location. Because ALI is passed to the PSAP

along a different path than the one carrying 911 calls, it is possible for a PSAP to lose ALI links without losing 911 service completely.

8. The 911 network architecture described above is evolving from a circuit-switched network to a Next Generation 911 (NG911) network based on Internet protocol (IP) technology. NG911 networks offers certain advantages over legacy technologies, including greater redundancy and reliability, the ability to provide more useful information for first responders, wider public accessibility (including to those with disabilities), and enhanced capabilities for sharing data and resources among emergency responders.

B. FCC Approach to Communications Reliability

9. The Commission has generally approached communications reliability issues by working with service providers to develop voluntary best practices and by measuring the effectiveness of those best practices through outage reporting. For example, federal advisory committees such as CSRIC, which includes representatives from both industry and public safety organizations, have developed numerous network-reliability best practices that communications providers have been encouraged to adopt on a voluntary basis. Since 1992, the Commission has turned to CSRIC and its predecessors, the Network Reliability and Interoperability Council (NRIC) and Media Security and Reliability Council (MSRC), to make recommendations on communications network and system reliability and security. Because of the collaborative and consensus-based nature of this process, CSRIC's best practices generally involve aspects of service that providers have indicated they were already adopting consistently.

10. The Commission's mandatory Network Outage Reporting System (NORS) and voluntary Disaster Information Reporting System (DIRS) provide outage data that help gauge whether best practices have been implemented in certain circumstances or service areas, but the Commission has not required service providers to implement these practices. From time to time, however, the Bureau has publicly reminded 911 service providers of the importance of following industry-developed best practices in light of outage trends suggesting to the Bureau that they have not been implemented adequately. The Bureau also works with service providers on an informal basis to identify and resolve communications reliability issues revealed through the outage reporting process.

C. June 2012 Derecho

11. On June 29, 2012, a fast-moving derecho storm brought a wave of destruction across wide swaths of the United States, beginning in the Midwest and continuing through the Appalachians and Mid-Atlantic states until the early morning of June 30. The derecho resulted in twenty-two deaths and widespread property damage, and left millions of residents without electrical power for as long as two weeks. While the destruction caused by the derecho resembled that of other major storms in some respects, it also proved different in others. For example, the landfall of a hurricane is typically predicted days in advance, allowing first responders and communications providers time to prepare. In contrast, the derecho moved rapidly across multiple states with very little warning, putting critical infrastructure to an unexpected test and revealing significant vulnerabilities in service providers' networks and operations.

12. The derecho's effects were particularly severe in northern Virginia, where four PSAPs in the densely-populated National Capital Region lost service completely, and in West Virginia, where eleven PSAPs could not receive 911 calls for as long as twelve hours. Fairfax County, Virginia noted that the disruption of 911 service after the derecho was the longest and most severe 911 outage since Fairfax County implemented Enhanced 911 in 1988, leaving 1.1 million county residents without access to 911 for seven hours and preventing nearly 1,900 911 calls from reaching the Fairfax County PSAP.

D. PSHSB Derecho Report

13. Immediately after communications and 911 services were restored, the Bureau began a comprehensive inquiry to determine why each outage occurred and how such problems could be prevented in the future. The Bureau analyzed more than 500 confidential NORS reports containing information on the cause, duration, and resolution of each outage, as well as numerous DIRS reports from the areas hit hardest by the derecho. Bureau staff also interviewed representatives of eight communications providers, twenty-eight PSAPs, three battery manufacturers, one generator manufacturer, and numerous state and county entities. In addition, the Bureau participated in several federal, state, and local meetings and hearings on the effects of the derecho. These interactions clarified and expanded the information the Commission had already received via NORS and DIRS.

14. In its January 2013 Derecho Report, available at *http://www.fcc.gov/document/derecho-report-and-recommendations*, the Bureau announced the results of its inquiry and provided specific recommendations for Commission action to improve the reliability and resiliency of 911 networks nationwide. The Bureau found that many communications outages during the derecho, including 911 outages, could have been prevented through implementation of best practices developed by entities such as CSRIC and the Alliance for Telecommunications Industry Solutions (ATIS) Network Reliability Steering Committee (NRSC). The Bureau found that, above and beyond any physical destruction by the derecho, 911 communications were disrupted in large part because of avoidable planning and system failures, including inadequate physical diversity of critical 911 circuits and a lack of functional backup power in central offices.

E. 911 Reliability Notice of Proposed Rulemaking

15. On March 20, 2013, the Commission adopted a Notice of Proposed Rulemaking (911 Reliability NPRM or NPRM), available at *http://www.fcc.gov/document/improving-9-1-1-reliability,* which outlined options to implement recommendations from the Derecho Report. These options ranged from reporting and certification obligations, to mandatory reliability requirements supported by site inspections and compliance reviews. The NPRM also proposed to amend the Commission's rules to require 911 service providers, and other communications providers subject to the existing rule, to notify PSAPs of communications outages "immediately," with specific information about the nature of the outage and area affected.

III. Discussion

A. Need for Commission Action

16. A primary responsibility of the Commission is to make available, so far as possible, to all people of the United States, a wire and radio communication service for the purpose of promoting safety of life and property. Consistent with that overarching obligation, the Commission has specific statutory responsibilities with respect to 911 service. The outage reporting process has often been effective in improving the reliability and resiliency of many communications services, and the

Commission continues to support NORS, DIRS, and an emphasis on voluntary best practices and outage reporting in the context of everyday communications. Nevertheless, preventable 911 network failures during the derecho put lives and property at risk and revealed that service providers have not consistently implemented vital best practices voluntarily despite repeated reminders and their past claims to the contrary. In light of this experience and substantial evidence in the record of this proceeding, the Commission concludes that additional Commission action is both warranted and needed with respect to critical 911 communications.

B. Entities Subject to the Rules

17. The rules adopted apply to every "Covered 911 Service Provider," defined as any entity that provides 911, E911, or NG911 capabilities such as call routing, ALI, ANI, or the functional equivalent of those capabilities, directly to a PSAP, statewide default answering point, or appropriate local emergency authority (as that term is defined elsewhere in the Commission's rules), or that operates one or more central offices that directly serve a PSAP. For purposes of these rules, a central office "directly serves a PSAP" if it (1) hosts a selective router or ALI/ANI database (2) provides functionally equivalent NG911 capabilities, or (3) is the last service-provider facility through which a 911 trunk or administrative line passes before connecting to a PSAP. This definition encompasses entities that provide capabilities to route 911 calls and associated data such as ALI and ANI to the appropriate PSAP, but not entities that merely provide the capability for customers to originate 911 calls.

18. This definition reflects the fact that, while most current 911 networks rely on the infrastructure of an incumbent local exchange carrier (ILEC), no single type of entity will always provide 911 service in every community. In addition, the transition to an Internet protocol (IP) architecture for NG911 services will allow an expanded range of entities beyond ILECs to route and deliver 911 calls, as well as location and callback information, to local PSAPs or consolidated call centers. Consistent with the goals of the Next Generation 911 Advancement Act of 2012, the Commission seeks to promote NG911 adoption and account for changing technologies that support these functions while ensuring that legacy 911 infrastructure remains reliable as long as it is in use. The Commission takes this step in recognition that overbroad rules could inadvertently impose obligations on entities that provide peripheral support for NG911 but may not play a central role in ensuring 911 reliability or benefit as much as a typical circuit-switched ILEC from the best practices discussed below. To minimize the risk of unintended effects, the Commission describes covered entities in terms of the core 911 capabilities they provide rather than the technology they employ or how they are currently classified under our rules.

19. While the FCC strongly supports the transition to NG911, it is not persuaded that NG911 technologies have evolved to the point that reliability certification rules should apply to entities beyond those that offer core services functionally equivalent to current 911 and E911 capabilities. The Commission might, however, revisit this distinction in the future as technology evolves, as discussed below with regard to review and sunset of the rules. In a similar vein, the FCC does not adopt a definition that covers all operators of emergency services Internet protocol networks (ESInets). Some ESInets may provide capabilities other than those at issue here, and other ESInets may be operated directly by PSAPs and 911 authorities. Under the rules, ESInet operators will be required to certify reliability only to the extent they qualify as Covered 911 Service Providers under our rules.

C. Implementation Approach

20. The FCC adopts rules requiring Covered 911 Service Providers to: (1) Take reasonable measures to ensure reliable 911 service, and (2) certify annually whether they do so by adhering either to specified practices based on established industry consensus or to alternative measures demonstrated to be reasonably sufficient to mitigate the risk of failure. Regarding reasonable measures, the record in this proceeding demonstrates a number of concrete and objective indications of whether a service provider's practices with respect to 911 reliability are reasonable. For example, best practices are developed in a "consensus-based environment" reflecting the collective judgment of industry, and other stakeholders. It follows that compliance with best practices is a strong indication that a service provider is taking reasonable measures to ensure reliable 911 service. While there may be situations in which it would be reasonable for a service provider to depart from best practices, there should be a reasonable basis for such decisions, coupled with appropriate steps to compensate for any increased risk of failure.

21. Regarding annual certification, a Covered 911 Service Provider that performs and certifies all the specific certification elements outlined in the rules regarding 911 circuit auditing, backup power at central offices that directly serve PSAPs, and diverse network monitoring links, is not required to provide additional documentation to support its certification that it has met the reasonable measures requirement. These providers will be deemed to satisfy the obligation to take reasonable measures to provide reliable 911 service, provided that the certification is accurate and complete. In the alternative, if a Covered 911 Service Provider cannot certify affirmatively to every element in a substantive area, but believes that its actions are nevertheless reasonably sufficient to mitigate the risk of 911 service failure based on the configuration of its network and other factors, then it may certify that it has taken alternative measures in that substantive area. For each element where the Covered 911 Service Provider certifies to taking alternative measures, it must include with its certification a brief explanation of those alternative measures with respect to each PSAP, central office, or 911 service area where they are in use, and why those measures are reasonable under the circumstances to mitigate the risk of failure. Finally, a Covered 911 Service Provider may respond that certain elements of the certification do not apply to all or part of its network, but it must include with its certification a reasonable explanation of why those elements are not applicable.

22. In addition, the Commission will require Covered 911 Service Providers to maintain for two years the records supporting each annual certification and to make relevant records available to the Commission upon request. For providers with existing electronic recordkeeping capabilities, these records must be maintained in an electronic format for ease of access and review. While certifications require only a brief description of alternative measures, the Commission reserves the right to request additional information, at the time of certification or thereafter, to verify the accuracy of a certification or determine whether alternative measures are reasonable. This approach lessens the reporting burden on service providers while ensuring that supporting documentation is available when necessary. Examples of such records include diagrams of network routing, records of circuit audits,

backup power deployment and maintenance records, and documentation of network monitoring routes and capabilities.

23. While the FCC adopts the certification approach, it notes that a very high-level certification will not provide the Commission with either the information it needs to identify important weaknesses in 911 networks or a reasonable basis on which to hold service providers accountable for decisions affecting 911 reliability. It therefore will require all Covered 911 Service Providers to certify annually to certain basic measures in the three substantive areas, and delegates to the Bureau the responsibility to review the certifications and take additional action as appropriate, and the authority and responsibility to develop the certification form and filing system. The reliability certifications will be subject to penalties for false or misleading statements both under the United States Code and the Commission's rules. The certification shall also be accompanied by a statement explaining the basis for such certification and shall be subscribed to as true under penalty of perjury in substantially the form set forth in section 1.16 of the Commission's rules.

24. Certification Standards. In response to call by some commenters to convene a new group to develop new certification standards and procedures unique to these rules, the Commission notes that the process these commenters describe is virtually indistinguishable from the Commission's existing CSRIC process. These revised CSRIC best practices are available to stakeholders for application on a voluntary basis; the Commission therefore sees no reason to defer its refinement and implementation of these best practices in a Commission rule, in light of its experiences with voluntary standards.

25. The FCC understands that, as NG911 deployment advances, the certification standards may have to change, and the Commission may then need to turn to multi-stakeholder bodies like CSRIC for recommendations in these areas. Accordingly, the Commission adopts certification standards that are consistent with current best practices but also flexible enough to account for differences in 911 and NG911 networks.

26. Certifying Official. To ensure accuracy and accountability, each certification must be made by a corporate officer responsible for network operations in all relevant service areas. Thus, the certifying official must have supervisory and budgetary authority over a Covered 911 Service Provider's entire 911 network, not merely certain regions or service areas.

27. Effect of Certification. Under the certification process, a Covered 911 Service Provider that performs all the certification elements in a substantive area will be deemed to comply with the requirement to take reasonable measures in that area. This result is subject only to any determination the Commission or as delegated, the Bureau, may make afterward, based on complaints, outage reports or other information, that the Covered 911 Service Provider did not, in fact, perform as claimed in its certification. If, however, a Covered 911 Service Provider certifies that it has taken alternative measures to mitigate the risk of failure, or that a certification element is not applicable to its network, its certification is subject to a more detailed Bureau review. In such cases, the Covered 911 Service Provider must provide an explanation of its alternative measures and why they are reasonable under the circumstances, or why the certification element is not applicable. The Bureau will consider a number of factors in determining whether the particular alternative measures are reasonably sufficient to ensure reliable 911 service. Such factors may include the technical characteristics of those measures, the location and geography of the service area, the level of service ordered by the PSAP, and state and local laws (such as zoning and noise ordinances). The Bureau may rely on information from a variety of sources, including: (1) The certifications and descriptions of alternative measures; (2) supplemental responses to Commission inquiries; (3) supporting records retained pursuant to the record retention requirement; (4) NORS and DIRS data; (5) formal and informal complaints; and/or (6) news reports or other information available to the Commission.

28. If the Bureau's review indicates that a provider's alternative measures are not reasonably sufficient to ensure reliable 911 service, the Bureau should engage with the provider and other interested stakeholders (e.g., affected PSAPs) to address any shortcomings. To the extent that a collaborative process with a provider does not yield satisfactory results, the Bureau may order remedial action, consistent with the authority delegated in this Report and Order. Any service provider ordered to take remedial action may seek reconsideration or review of the Bureau's decision in accordance with the Commission's rules. In extreme cases, such as where a provider is not acting in good faith, the Bureau may also refer cases to the Enforcement Bureau for further action as appropriate. This approach will place the least burden on those Covered 911 Service Providers that provide consistently reliable 911 service, while allowing the Commission to focus its attention and resources where most needed.

29. Certification Phase-In. The rules, including the underlying obligation to take reasonable measures to provide reliable 911 service, become effective thirty days after publication in this **Federal Register**. Although information collection requirements pursuant to those rules will not become effective until approval by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act, the substantive obligation to take such reasonable measures is not contingent on such approval. Because certain certification elements (e.g., circuit diversity audits) require time for implementation, the first full certification will be due two years from the effective date of the substantive rule requiring service providers to undertake such reasonable measures.

30. Although service providers indicate that they already perform many of the elements of our annual certification, the rules we adopt will require a phase-in period so that all covered entities, particularly smaller entities with limited staff and resources, have time to come into full compliance. Therefore, the FCC requires that, one year after the effective date of the rules, all Covered 911 Service Providers file an initial certification that they have made substantial progress toward meeting the standard of the full certification, "substantial progress" in this context meaning at least 50-percent compliance with each of the three substantive certification requirements. For example, regarding circuit diversity, Covered 911 Service Providers must certify they have conducted at least 50 percent of the circuit audits. The Bureau has delegated authority to implement this initial certification, including the form and process through which it is submitted. After the first full certification two years from the effective date of the rules, all Covered 911 Service Providers will file a 911 reliability certification on an annual basis.

31. Regarding costs and benefits of the Commission's actions, the FCC notes that no commenter questioned the basic premise that 911 communications provide significant public health and safety benefits, nor provided an alternative method of quantifying the public safety benefits associated with reliable 911 service. Further, the FCC considers it fortunate that the effects of

the derecho were not worse given the serious problems it revealed.

32. The 911 Reliability NPRM estimated total costs to service providers of $16.1 million to $44.1 million. By relaxing or eliminating several of the requirements proposed in the NPRM, however, the Commission reduced the impact on service providers far below those estimates. The expected costs also are within an acceptable range of the $9.1 million floor value of benefits estimated in this Report and Order. As explained below, we estimate that the total annual incremental cost to service providers is approximately $9 million, which includes $6.4 million for circuit audit costs, $1.9 million for backup power costs, and $732,000 for monitoring costs. The FCC finds that its statutory mandate to promote the safety of life and property and to implement our specific statutory 911 responsibilities makes the benefits of reliable 911 service well worth these costs, particularly since the approach adopted is based on best practices developed through broad industry consensus.

D. Certification Requirements

a. Circuit Diversity

33. Covered 911 Service Providers must certify annually whether they have, within the past year, audited the physical diversity of critical 911 circuits or equivalent data paths to each PSAP they serve, tagged those circuits to minimize the risk that they will be reconfigured at some future date, and eliminated all single points of failure between the selective router, ALI/ANI database, or equivalent NG911 component, and the central office serving each PSAP. In lieu of eliminating single points of failure, they may describe why these single points of failure cannot be eliminated and the specific, reasonably sufficient alternative measures they have taken to mitigate the risks associated with the lack of physical diversity.

34. Alternatively, Covered 911 Service Providers may certify that they believe this element of the certification is not applicable to their network, although they must explain why it is not applicable. Under these rules, all Covered 911 Service Providers must conduct annual audits of the physical diversity of their critical 911 circuits and tag those circuits to prevent rearrangement, but they may take a range of corrective measures most appropriate for their networks and PSAP customers.

35. Covered 911 Service Providers must also retain records of circuit audits for confidential review by the Commission, upon request, for two years.

36. "Critical 911 circuits" include transmission facilities between a 911 selective router or its functional equivalent and the final point in the local exchange serving the PSAP where these facilities appear in the network (e.g., the main distribution frame) before leaving this exchange on their way to the PSAP. For purposes of this requirement, a selective router is a 911 network component that selects the appropriate destination PSAP for each 911 call based on the location of the caller. Critical 911 circuits also include links from ANI/ALI databases to central offices that serve PSAPs. The definition does not include the connections between the calling party and the selective router that serves this person. Because IP-based NG911 networks may not employ circuit-switched technologies, the auditing obligation extends to data transport paths for the core 911 capabilities, regardless of whether they are technically "circuits." Likewise, the selective router function could be hosted by a third party. The facilities connecting the third party's selective router with the PSAPs to which it is interconnected are "critical 911 circuits."

37. Physical diversity, sometimes called route diversity, means that two circuits follow different routes separated by some physical distance so that a single failure such as a power outage, equipment failure, or cable cut will not result in both circuits failing. Logical diversity, sometimes called equipment diversity, implies that two circuits are provisioned to use different transmission equipment, but could share the same transmission medium (for example, the same fiber or conduit). For example, two circuits that are modulated onto two wavelengths are logically diverse. If they are then placed onto two physically separate optical fibers whose routes do not meet, they are also physically diverse, provided they do not share other equipment prior to being placed on the fibers. If, instead, they are placed onto the same optical fiber, they are no longer physically diverse, but they retain their logical diversity. In the context of critical 911 circuits, the Commission focuses on physical diversity as the optimum standard for certification, but also recognizes that logical diversity may be appropriate where a PSAP has not ordered physically diverse service or where physical diversity is not feasible in a particular location. Thus, there is no blanket requirement that all critical 911 circuits be physically diverse in all circumstances, but we require Covered 911 Service Providers that do not provision physically diverse 911 circuits to explain why those measures are reasonably sufficient.

38. Auditing method. To be in conformance with CSRIC best practices, an auditing method must reflect the geographic routing of circuits, as well as the logical flow of data, which could occur over a common physical path. In cases where a party provides 911 services directly to a PSAP (pursuant to contract or tariff) over leased facilities, the auditing obligation would apply to that party, and not to the facilities lessor. Although it could contract with the underlying facilities lessor, if necessary, to audit its facilities, the Covered 911 Service provider would remain responsible under our rules for ensuring compliance with the auditing requirement.

39. Frequency of audits. The FCC concludes that a requirement that Covered 911 Service Providers conduct annual audits of their 911 circuits, coupled with a requirement for submission of annual certifications, best serves the public interest. Regular auditing of critical 911 circuits can significantly improve network reliability, and the FCC concludes that annual auditing of 911 circuits and network monitoring links is necessary to prevent a loss of diversity in these critical circuits due to routine circuit rearrangements between audits.

40. Corrective measures. Covered 911 Service Providers must certify annually whether they have, within the past year, audited the physical diversity of critical 911 circuits or equivalent data paths to each PSAP they serve, tagged those circuits, and eliminated single points of failure in these circuits. In lieu of eliminating single points of failure, providers also may certify that they have taken specific, alternative measures reasonably sufficient to mitigate the risk of insufficient physical diversity. The Commission will also require Covered 911 Service Providers to explain why measures short of physical diversity are reasonably sufficient to ensure reliable 911 service in individual cases.

41. Cost effectiveness. In the worst case, where the single-stranded PSAP audits cost as much as those for PSAPs served by dual selective routers, we would expect the annual incremental cost of those audits to be about $4.5 million when based on the assumptions in the NPRM. The Commission believes that most of these costs associated with these audits are already being incurred by Covered 911 Service Providers and will decrease over time as their auditing

practices improve. As commenters attest through their descriptions of existing practices, it is more likely that only a segment of critical 911 circuits are not already subject to regular audits, and the incremental cost to audit the remaining circuits on an annual basis is the more reasonable figure to use in an assessment of the burden imposed by our auditing requirement.

42. All told, commenters provided estimates ranging from $6.4 million to $11.2 million in annual incremental costs, even if we accept the industry view that critical 911 circuit audits require more time than we estimated in the NPRM. In light of comments from AT&T describing the "minimal incremental cost" of computerized audits and from Frontier and CenturyLink indicating that even their existing auditing methods require less than 40 hours per PSAP, the Commission does not accept that Verizon's considerably-higher estimate accurately represents the cost of our rules to the industry as a whole. Furthermore, the certification's two-year phase-in will allow all Covered 911 Service Providers to reexamine their existing circuit auditing practices and implement more efficient systems. As such, the FCC believes that the lower end of the industry range—about $6.4 million—is a reasonable estimate of the annual incremental cost of our circuit auditing requirement once the audits we require are put into practice. Notably, these estimates reflects the cost of a "highly important" best practice that virtually all Covered 911 Service Providers claim to follow already to some degree. The incremental cost of conducting circuit audits in conformance with our certification will be substantially less than the total cost, regardless of how it is calculated.

b. Central Office Backup Power

43. Covered 911 Service Providers must certify annually whether they have sufficient, reliable backup power in any central office that directly serves a PSAP to maintain full service functionality, including network monitoring capabilities, for at least 24 hours at full office load. In addition especially critical central offices that host selective routers must be equipped with at least 72 hours of backup power at full office load. The specified level of backup power may be provided through fixed generators, portable generators, batteries, fuel cells, or a combination of those or other such sources so long as it meets the applicable certification standard.

44. If that level of backup power is not feasible at a particular central office that directly serves a PSAP or hosts a selective router, the certification will be required to indicate this. The service provider must briefly state why it is not feasible and describe the specific alternative measures it has taken to mitigate the risk associated with backup power configurations that fail to satisfy the certification standard. Covered 911 Service Providers may also certify that they believe this element of the certification is not applicable to their network, although they must explain why it is not applicable. As noted above with regard to covered entities, a central office "directly serves a PSAP" if it: (1) Hosts a selective router or ALI/ANI database; (2) provides equivalent NG911 capabilities; or (3) is the last service-provider facility through which a 911 trunk or administrative line passes before connecting to a PSAP. Service providers must also certify whether: (1) They test and maintain all backup power equipment in all central offices directly serving PSAPs in accordance with the manufacturer's specifications, per CSRIC best practice; (2) adhere to CSRIC best practices regarding fully automatic, non-interdependent generators that can be started manually if necessary; and (3) retain records of backup power deployment and maintenance for confidential review by the Commission, upon request, for two years. If the specified standards related to testing and tandem generator configurations cannot be met, the service provider must briefly state why it is not feasible to meet them and describe the specific alternative measures it has taken to mitigate the risk associated with the failure to satisfy the certification standards.

45. Because different central offices present different backup power challenges and a single solution may not be suitable for all, Covered 911 Service Providers may certify and describe reasonable alternative measures on a case-by-case basis. For these reasons, rather than codifying existing best practices as prescriptive rules, the certification requirement allows 911 service providers flexibility to maintain adequate central-office backup power based on best practices and reasonable alternatives to suit site-specific circumstances.

46. Testing standards. The rules require Covered 911 Service Providers, consistent with CSRIC best practice, to certify that they test their backup power equipment according to the relevant manufacturers' specifications. Further, because failure of interdependent generators was a significant factor in the communications failures during the June 2012, the Commission believes that tandem generators should be electronically separated to ensure that failure of one generator does not cause the other to fail, and will require the certification to confirm whether the 911 provider employs stand-alone backup power sources. 911 providers will have the opportunity to demonstrate that alternative measures upon which they rely (e.g., load shedding) are reasonably sufficient to mitigate the risk of failure.

47. Cost effectiveness. The NPRM estimated that the incremental cost incurred to perform backup power certifications, including remediation, ranged from $11.7 million to $37.5 million depending on whether the Commission would require fixed generators at all central offices. The Report and Order includes no such requirement, meaning that there would be no incremental costs for central offices appropriately provisioned with portable generators. As a result, the Commission estimates the cost to conform to its backup power standards is much closer to $11.7 million than $37.5 million. Further, the approach adopted will also significantly reduce the cost of compliance by covering only central offices directly serving PSAPs or hosting selective routers or ALI databases, and allowing alternative measures where the specified level of backup power is not feasible. Limiting these requirements to central offices that directly serve PSAPs reduces our estimate of cost by 72 percent, from $11.7 million to about $3.3 million.

c. Network Monitoring

48. Covered 911 Service Providers must certify annually whether they have, within the past year: (1) Audited the physical diversity of the aggregation points that they use to gather network monitoring data in each 911 service area and the network monitoring links between such aggregation points and their NOC(s); and (2) implemented physically diverse aggregation points for network monitoring data in each 911 service area and physically diverse links from such aggregation points to at least one NOC or, in light of the required audits, taken specific alternative measures reasonably sufficient to mitigate the risk of insufficient physical diversity. They may also certify that they believe this element of the certification is not applicable to their network, although they must explain why it is not applicable.

49. Covered 911 Service Providers also must retain records of their network monitoring routes and capabilities for confidential review by the Commission, upon request, for two years.

50. For purposes of the certification, network monitoring links transmit data about failed or degraded network equipment and facilities from monitoring points within the network to a NOC or other location where the data are analyzed and decisions made about corrective action. Links from multiple individual monitoring points may be routed through and aggregated onto common transport facilities at one or more hubs in each service area for distribution to remote NOCs, in which case those hubs are described as aggregation points for network monitoring data. "Physical diversity" applied to aggregation points refers to aggregation points that are not physically co-located.

51. Corrective Measures. Recognizing that circumstances are likely to exist in real-world networks that prevent the achievement of complete physical diversity and diverse aggregation points for network monitoring data, the Commission believes that service providers should retain the flexibility to implement diversity and the migration of telemetry to the IP network as appropriate for their network evolution, management, and monitoring. As such, the certification approach provides Covered 911 Service Providers with the flexibility to compensate for an inability to conform to our certification standard by employing appropriate alternative measures to promote reliable and resilient network monitoring where diverse aggregation points or monitoring links may not be feasible.

51A. Cost effectiveness. The Commission calculates the costs of network monitoring to be $732,000, as opposed to the $2,196,000 suggested in the NPRM. In the absence of more detailed cost estimates from commenters, the Commission finds that the certification approach is cost effective because it uses standards that are already widely in use by communications providers and includes flexibility to allow communications providers to address circumstances where the standards cannot be feasibly implemented.

E. PSAP Outage Notification

52. Covered 911 Service Providers must notify PSAPs of outages potentially affecting 911 service to that PSAP within 30 minutes of discovering the outage and provide contact information such as a name, telephone number, and email for follow-up. Whenever additional material information becomes available, but no later than two hours after the initial contact, the Covered 911 Service Provider must communicate additional detail to the PSAP, including the nature of the outage, its best-known cause, the geographic scope of the outage, and the estimated time for repairs.

F. Legal Authority

53. In light of the Commission's express statutory responsibilities, regulation of additional capabilities related to reliable 911 service, both today and in an NG911 environment, would be well within Commission's foregoing statutory authority. A full statement of the Commission's legal authority to adopt these rules is contained in the Report and Order.

G. Confidentiality

54. The Commission recognizes that some components of annual 911 reliability certifications are likely to raise genuine public safety and competitive concerns, while other portions of the certification will not and may be of legitimate interest to the public. For example, there is little threat to public safety or competition in the mere fact of whether a Covered 911 Service Provider has filed a certification, or whether a service provider answers in the affirmative or negative to each element of the certification. Thus, a service provider's responses on the face of the form with respect to whether it adheres to certification elements or relies on alternative measures to satisfy other elements of the certification will not in and of itself be considered confidential.

55. Nevertheless, confidentiality concerns increase significantly if a certification includes proprietary information about a service provider's specific network architecture or operations on less than an aggregated basis. Accordingly, certain information will be treated as presumptively confidential and exempt from routine public disclosure under the Freedom of Information Act (FOIA): (1) Descriptions and documentation of alternative measures to mitigate the risks of nonconformance with certification standards; (2) information detailing specific corrective actions taken; and (3) supplemental information requested by the Commission or Bureau with respect to a certification. The Commission would expect, without requiring it, that a Covered 911 Service Provider will, at the request of the PSAP (or state 911 authority, as relevant), enter into discussions concerning the content of the provider's 911 circuit auditing certification with respect to the PSAP.

H. Review and Sunset of Rules

56. The Commission will review the rules adopted in this Report and Order in five years to determine whether they are still technologically appropriate and both adequate and necessary to ensure reliability and resiliency of 911 networks. Review of the rules will also include consideration of whether they should be revised or expanded to cover new best practices or additional entities that provide NG911 capabilities, or in light of its understanding about how NG911 networks may differ from legacy 911 service. Factors for consideration will include outage reporting trends, adoption of NG911 capabilities on a nationwide basis, and whether the certification approach has yielded the necessary level of compliance. If, after review, the Commission determines that some or all of these rules are no longer effective in promoting 911 reliability, it will establish an appropriate sunset date for those portions of the rules that are no longer necessary. The Commission declines to set a specific sunset date or triggering event because there are still too many uncertainties about the timeline for widespread adoption of NG911 and the effect of new technologies on the need for 911 reliability rules.

I. Authority Delegated to the Public Safety and Homeland Security Bureau

57. PSHSB has delegated authority to implement the rules adopted in the Report and Order, consistent with the Administrative Procedure Act and relevant portions of the Communications Act. The Commission directs the Bureau to develop such forms and procedures as may be required to collect and process certifications, and to periodically update those forms and procedures as necessary, subject to Paperwork Reduction Act requirements. Through its experience with electronic outage reports in NORS and DIRS, the Bureau has developed expertise with outage reports and trends that will be useful when reviewing such certifications and identifying issues for follow-up with service providers. The Bureau also has delegated authority to order appropriate remedial actions on a case-by-case basis where 911 reliability certifications indicate such actions are necessary to protect public safety and consistent with the guidelines set forth in this Report and Order.

IV. Procedural Matters

A. Accessible Formats

58. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer &

Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

B. Paperwork Reduction Act Analysis

59. The Report and Order contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other interested parties are invited to comment on the new information collection requirements contained in this proceeding.

60. We note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. We have described impacts that might affect small businesses, which includes most businesses with fewer than 25 employees, in the FRFA in Appendix C of the Report and Order, paragraphs 14–15.

C. Congressional Review Act

61. The Commission will send a copy of the Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

D. Final Regulatory Flexibility Analysis

62. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was included in the NPRM in PS Docket No. 11–60 and PS Docket No. 13–75. The Commission sought written comment on the proposals in this docket, including comment on the IRFA. This Final Regulatory Flexibility Analysis conforms to the RFA.

V. Ordering Clauses

63. Accordingly, *it is ordered* pursuant to sections 1, 4(i), 4(j), 4(o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 316, 332, 403, 615a–1, and 615c of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j) & (o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 316, 332, 403, 615a–1, and 615c, that this Report and Order in PS Docket No. 13–75 and PS Docket No. 11–60 IS *adopted.*

64. *It is further ordered* that parts 0, 4, and 12 of the Commission's rules, 47 CFR Parts 0, 4, and 12, *are amended,* effective February 18, 2014 except for § 12.4(c) and (d)(1), which contain information collection requirements that have not been approved by Office of Management and Budget. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

65. *It is further ordered* that the Final Regulatory Flexibility Analysis in Appendix C hereto *is adopted.*

66. *It is further ordered* that, pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission *shall send* a copy of this Report and Order to Congress and to the Government Accountability Office.

67. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 0

Commission organization; Confidential material; Delegation of authority.

47 CFR Part 4

Telecommunications.

47 CFR Part 12

Certification; Telecommunications.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary.

Final Rules

For the reasons set forth in the preamble, the Federal Communications Commission amends 47 CFR parts 0, 4, and 12 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

■ 2. Section 0.392 is revised by adding paragraph (j) to read as follows:

§ 0.392 Authority delegated.

* * * * *

(j) The Chief of the Public Safety and Homeland Security Bureau is delegated authority to administer the communications reliability and redundancy rules and policies contained in part 12 of this chapter, develop and revise forms and procedures as may be required for the administration of part 12 of this chapter, review certifications filed in connection therewith, and order remedial action on a case-by-case basis to ensure the reliability of 911 service in accordance with such rules and policies.

■ 3. Section 0.457 is amended by revising paragraph (d)(1)(viii) to read as follows:

§ 0.457 Records not routinely available for public inspection.

* * * * *

(d) * * *

(1) * * *

(viii) Information submitted with a 911 reliability certification pursuant to 47 CFR 12.4 that consists of descriptions and documentation of alternative measures to mitigate the risks of nonconformance with certification elements, information detailing specific corrective actions taken with respect to certification elements, or supplemental information requested by the Commission with respect to such certification.

* * * * *

PART 4—DISRUPTIONS TO COMMUNICATIONS

■ 4. The authority citation for part 4 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 154, 155, 201, 251, 307, 316, 615a–1, 1302(a), and 1302(b).

■ 5. Section 4.9 is amended by adding paragraph (h) to read as follows:

§ 4.9 Outage reporting requirements—threshold criteria.

* * * * *

(h) *Covered 911 service providers.* In addition to any other obligations imposed in this section, within thirty minutes of discovering an outage that potentially affects a 911 special facility (as defined in § 4.5), all covered 911 service providers (as defined in § 12.4(a)(4) of this chapter) shall notify as soon as possible but no later than thirty minutes after discovering the outage any official who has been designated by the affected 911 special facility as the provider's contact person(s) for communications outages at that facility and convey all available information that may be useful in mitigating the effects of the outage, as well as a name, telephone number, and email address at which the service provider can be reached for follow-up. The covered 911 service provider shall communicate additional material information to the affected 911 special facility as it becomes available, but no later than two hours after the initial contact. This information shall include the nature of the outage, its best-known

cause, the geographic scope of the outage, the estimated time for repairs, and any other information that may be useful to the management of the affected facility. All notifications shall be transmitted by telephone and in writing via electronic means in the absence of another method mutually agreed upon in advance by the 911 special facility and the covered 911 service provider.

PART 12—RESILIENCY, REDUNDANCY AND RELIABILITY OF COMMUNICATIONS

■ 6. The authority citation for part 12 continues to read as follows:

Authority: Sections 1, 4(i), 4(j), 4(o), 5(c), 218, 219, 301, 303(g), 303(j), 303(r), 332, 403, 621(b)(3), and 621(d) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 154(o), 155(c), 218, 219, 301, 303(g), 303(j), 303(r), 332, 403, 621(b)(3), and 621(d), unless otherwise noted.

■ 7. Revise the heading of part 12 to read as set forth above.

■ 8. Section 12.4 is added to read as follows: *§ 12.4 Reliability of covered 911 service providers.*

(a) *Definitions.* Terms in this section shall have the following meanings:

(1) *Aggregation point.* A point at which network monitoring data for a 911 service area is collected and routed to a network operations center (NOC) or other location for monitoring and analyzing network status and performance.

(2) *Certification.* An attestation by a certifying official, under penalty of perjury, that a covered 911 service provider:

(i) Has satisfied the obligations of paragraph (c) of this section.

(ii) Has adequate internal controls to bring material information regarding network architecture, operations, and maintenance to the certifying official's attention.

(iii) Has made the certifying official aware of all material information reasonably necessary to complete the certification.

(iv) The term "certification" shall include both an annual reliability certification under paragraph (c) of this section and an initial reliability certification under paragraph (d)(1) of this section, to the extent provided under paragraph (d)(1) of this section.

(3) *Certifying official.* A corporate officer of a covered 911 service provider with supervisory and budgetary authority over network operations in all relevant service areas.

(4) *Covered 911 service provider.*

(i) Any entity that:

(A) Provides 911, E911, or NG911 capabilities such as call routing, automatic location information (ALI), automatic number identification (ANI), or the functional equivalent of those capabilities, directly to a public safety answering point (PSAP), statewide default answering point, or appropriate local emergency authority as defined in §§ 64.3000(b) and 20.3 of this chapter; and/or

(B) Operates one or more central offices that directly serve a PSAP. For purposes of this section, a central office directly serves a PSAP if it hosts a selective router or ALI/ANI database, provides equivalent NG911 capabilities, or is the last service-provider facility through which a 911 trunk or administrative line passes before connecting to a PSAP.

(ii) The term "covered 911 service provider" shall not include any entity that:

(A) Constitutes a PSAP or governmental authority to the extent that it provides 911 capabilities; or

(B) Offers the capability to originate 911 calls where another service provider delivers those calls and associated number or location information to the appropriate PSAP.

(5) *Critical 911 circuits.* 911 facilities that originate at a selective router or its functional equivalent and terminate in the central office that serves the PSAP(s) to which the selective router or its functional equivalent delivers 911 calls, including all equipment in the serving central office necessary for the delivery of 911 calls to the PSAP(s). Critical 911 circuits also include ALI and ANI facilities that originate at the ALI or ANI database and terminate in the central office that serves the PSAP(s) to which the ALI or ANI databases deliver 911 caller information, including all equipment in the serving central office necessary for the delivery of such information to the PSAP(s).

(6) *Diversity audit.* A periodic analysis of the geographic routing of network components to determine whether they are physically diverse. Diversity audits may be performed through manual or automated means, or through a review of paper or electronic records, as long as they reflect whether critical 911 circuits are physically diverse.

(7) *Monitoring links.* Facilities that collect and transmit network monitoring data to a NOC or other location for monitoring and analyzing network status and performance.

(8) *Physically diverse.* Circuits or equivalent data paths are Physically Diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits to fail. Circuits that share a common segment such as a fiber-optic cable or circuit board are not Physically diverse even if they are logically diverse for purposes of transmitting data.

(9) *911 service area.* The metropolitan area or geographic region in which a covered 911 service provider operates a selective router or the functional equivalent to route 911 calls to the geographically appropriate PSAP.

(10) *Selective router.* A 911 network component that selects the appropriate destination PSAP for each 911 call based on the location of the caller.

(11) *Tagging.* An inventory management process whereby critical 911 circuits are labeled in circuit inventory databases to make it less likely that circuit rearrangements will compromise diversity. A covered 911 service provider may use any system it wishes to tag circuits so long as it tracks whether critical 911 circuits are physically diverse and identifies changes that would compromise such diversity.

(b) *Provision of reliable 911 service.* All covered 911 service providers shall take reasonable measures to provide reliable 911 service with respect to circuit diversity, central-office backup power, and diverse network monitoring. Performance of the elements of the certification set forth in paragraphs (c)(1)(i), (c)(2)(i), and (c)(3)(i) of this section shall be deemed to satisfy the requirements of this paragraph. If a covered 911 service provider cannot certify that it has performed a given element, the Commission may determine that such provider nevertheless satisfies the requirements of this paragraph based upon a showing in accordance with paragraph (c) of this section that it is taking alternative measures with respect to that element that are reasonably sufficient to mitigate the risk of failure, or that one or more certification elements are not applicable to its network.

(c) *Annual reliability certification.* One year after the initial reliability certification described in paragraph (d)(1) of this section and every year thereafter, a certifying official of every covered 911 service provider shall submit a certification to the Commission as follows.

(1) *Circuit auditing.*

(i) A covered 911 service provider shall certify whether it has, within the past year:

(A) Conducted diversity audits of critical 911 circuits or equivalent data paths to any PSAP served;

(B) Tagged such critical 911 circuits to reduce the probability of inadvertent

loss of diversity in the period between audits; and

(C) Eliminated all single points of failure in critical 911 circuits or equivalent data paths serving each PSAP.

(ii) If a covered 911 service provider does not conform with the elements in paragraph (c)(1)(i)(C) of this section with respect to the 911 service provided to one or more PSAPs, it must certify with respect to each such PSAP:

(A) Whether it has taken alternative measures to mitigate the risk of critical 911 circuits that are not physically diverse or is taking steps to remediate any issues that it has identified with respect to 911 service to the PSAP, in which case it shall provide a brief explanation of such alternative measures or such remediation steps, the date by which it anticipates such remediation will be completed, and why it believes those measures are reasonably sufficient to mitigate such risk; or

(B) Whether it believes that one or more of the requirements of this paragraph are not applicable to its network, in which case it shall provide a brief explanation of why it believes any such requirement does not apply.

(2) *Backup power.*

(i) With respect to any central office it operates that directly serves a PSAP, a covered 911 service provider shall certify whether it:

(A) Provisions backup power through fixed generators, portable generators, batteries, fuel cells, or a combination of these or other such sources to maintain full-service functionality, including network monitoring capabilities, for at least 24 hours at full office load or, if the central office hosts a selective router, at least 72 hours at full office load; provided, however, that any such portable generators shall be readily available within the time it takes the batteries to drain, notwithstanding potential demand for such generators elsewhere in the service provider's network.

(B) Tests and maintains all backup power equipment in such central offices in accordance with the manufacturer's specifications;

(C) Designs backup generators in such central offices for fully automatic operation and for ease of manual operation, when required;

(D) Designs, installs, and maintains each generator in any central office that is served by more than one backup generator as a stand-alone unit that does not depend on the operation of another generator for proper functioning.

(ii) If a covered 911 service provider does not conform with all of the elements in paragraph (c)(2)(i) of this section, it must certify with respect to each such central office:

(A) Whether it has taken alternative measures to mitigate the risk of a loss of service in that office due to a loss of power or is taking steps to remediate any issues that it has identified with respect to backup power in that office, in which case it shall provide a brief explanation of such alternative measures or such remediation steps, the date by which it anticipates such remediation will be completed, and why it believes those measures are reasonably sufficient to mitigate such risk; or

(B) Whether it believes that one or more of the requirements of this paragraph are not applicable to its network, in which case it shall provide a brief explanation of why it believes any such requirement does not apply.

(3) *Network monitoring.*

(i) A covered 911 service provider shall certify whether it has, within the past year:

(A) Conducted diversity audits of the aggregation points that it uses to gather network monitoring data in each 911 service area;

(B) Conducted diversity audits of monitoring links between aggregation points and NOCs for each 911 service area in which it operates; and

(C) Implemented physically diverse aggregation points for network monitoring data in each 911 service area and physically diverse monitoring links from such aggregation points to at least one NOC.

(ii) If a Covered 911 service provider does not conform with all of the elements in paragraph (c)(3)(i)(C) of this section, it must certify with respect to each such 911 service area:

(A) Whether it has taken alternative measures to mitigate the risk of network monitoring facilities that are not physically diverse or is taking steps to remediate any issues that it has identified with respect to diverse network monitoring in that 911 service area, in which case it shall provide a brief explanation of such alternative measures or such remediation steps, the date by which it anticipates such remediation will be completed, and why it believes those measures are reasonably sufficient to mitigate such risk; or

(B) Whether it believes that one or more of the requirements of this paragraph are not applicable to its network, in which case it shall provide a brief explanation of why it believes any such requirement does not apply.

(d) *Other matters.*

(1) Initial reliability certification. One year after February 18, 2014, a certifying official of every covered 911 service provider shall certify to the Commission that it has made substantial progress toward meeting the standards of the annual reliability certification described in paragraph (c) of this section. Substantial progress in each element of the certification shall be defined as compliance with standards of the full certification in at least 50 percent of the covered 911 service provider's critical 911 circuits, central offices that directly serve PSAPs, and independently monitored 911 service areas.

(2) *Confidential treatment.*

(i) The fact of filing or not filing an annual reliability certification or initial reliability certification and the responses on the face of such certification forms shall not be treated as confidential.

(ii) Information submitted with or in addition to such certifications shall be presumed confidential to the extent that it consists of descriptions and documentation of alternative measures to mitigate the risks of nonconformance with certification elements, information detailing specific corrective actions taken with respect to certification elements, or supplemental information requested by the Commission or Bureau with respect to a certification.

(3) *Record retention.* A covered 911 service provider shall retain records supporting the responses in a certification for two years from the date of such certification, and shall make such records available to the Commission upon request. To the extent that a covered 911 service provider maintains records in electronic format, records supporting a certification hereunder shall be maintained and supplied in an electronic format.

(i) With respect to diversity audits of critical 911 circuits, such records shall include, at a minimum, audit records separately addressing each such circuit, any internal report(s) generated as a result of such audits, records of actions taken pursuant to the audit results, and records regarding any alternative measures taken to mitigate the risk of critical 911 circuits that are not physically diverse.

(ii) With respect to backup power at central offices, such records shall include, at a minimum, records regarding the nature and extent of backup power at each central office that directly serves a PSAP, testing and maintenance records for backup power equipment in each such central office, and records regarding any alternative measures taken to mitigate the risk of insufficient backup power.

(iii) With respect to network monitoring, such records shall include, at a minimum, records of diversity audits of monitoring links, any internal report(s) generated as a result of such audits, records of actions taken pursuant to the audit results, and records regarding any alternative measures taken to mitigate the risk of aggregation points and/or monitoring links that are not physically diverse.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 27

[WT Docket No. 12–357; FCC 13–88]

Service Rules for the Advanced Wireless Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's Report and Order (*R&O*) Service Rules for the Advanced Wireless Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 related to the 1915–1920 MHz and 1995–2000 MHz Bands. This document is consistent with the *R&O,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules. Additionally, the Commission announces that OMB approved, for a period of three years, the revisions to the existing collection on FCC Form 601, which are also associated with the Commission's *R&O,* and that those revisions are also effective with publication of this document.

DATES: The effective date for §§ 1.946, 27.10, 27.12, and 27.17 that were adopted on June 27, 2013, and published in the **Federal Register** at 78 FR 50213, August 16, 2013, OMB Control 3060–1184, is January 17, 2014. The corresponding revisions to the existing collection on FCC Form 601, OMB Control Number 3060–0798, are also effective January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Matthew Pearl, Wireless Telecommunications Bureau, Broadband Division, at (202) 418–BITS or by email at *Matthew.Pearl@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on September 26, 2013, OMB approved, for a period of three years, the new information collection requirements contained in the Commission's *R&O,* FCC 13–88, published at 78 FR 50213, August 16, 2013. The new OMB Control Number is 3060–1184. The Commission publishes this document as an announcement of the effective date of the H Block rules: §§ 1.946(d), 27.10(d), 27.12, and 27.17. In addition, the Commission notes that OMB previously approved or is in the process of approving revisions required by the *R&O* to existing information collections. To add the national security certification required by Section 6004 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C 1404, to the FCC Forms 175, 601, 603, and 608, the Commission has obtained or is in the process of obtaining OMB approval for revisions to its previously-approved information collections on those forms. The effective date for the revisions to the existing collection on FCC Form 175 has been published. See H Block Report and Order (Revisions to FCC Form 175, OMB Control 3060–0600), Effective Date Notice, published at 78 FR 66287, November 5, 2013. The revisions to the existing collection on FCC Form 601 were approved by OMB on January 2, 2014 and those revisions are also effective with this notice. *See* Notice of Office of Management and Budget Action, ICR Reference Number 201311–3060–018, FCC Application for Radio Service Authorization: WTB and PSHSB, FCC Form 601, OMB Control 3060–0798, Approved without change on Jan. 2, 2014, *available at http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-0798#.* To add this certification to the FCC Forms 603 and 608, the Commission is currently seeking OMB approval for revisions to its existing information collections on those forms, and OMB action on these revisions is anticipated on or after January 23, 2014 (when the comment cycle for the 30-day notice closes). *See* Information Collections Being Submitted for Review and Approval to the Office of Management and Budget, Revisions to FCC Application for Assignments of Authorization and Transfers of Control and FCC Application or Notification for Spectrum Leasing Arrangement: Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, OMB Control Numbers 3060–0800 and 3060–1058 (FCC Forms 603, 608), published at 78 FR 77676 on Dec. 24, 2013, *available at http://www.gpo.gov/fdsys/pkg/FR-2013-12-24/pdf/2013-30651.pdf.* The Commission will publish an effective date notice once these revisions to FCC Forms 603 and 608 are approved by OMB. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams at (202) 418–2918 or via the Internet at *Cathy.Williams@fcc.gov.* Please include the new OMB Control Number, 3060–1184, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on September 26, 2013, which contained new and modified information collection requirements, in 47 CFR 1.946(d), 27.10(d), 27.12, and 27.17, which would not be effective until approved by the Office of Management and Budget. The information collection was adopted in the Report and Order in WT Docket No. 12–357, FCC 13–88, which appears at 78 FR 50213, August 16, 2013, adopts flexible use rules for 10 megahertz of spectrum in the 1915–1920 MHz and 1995–2000 MHz spectrum bands (H Block) that would increase the nation's supply of spectrum for mobile broadband. We adopt H Block terrestrial service rules, modified as necessary to account for issues unique to the H Block bands. First, we find the spectrum is properly allocated for commercial use as required by the Spectrum Act. Second, we determine the H Block can be used without causing harmful interference to PCS operations in the 1930–1995 MHz band. Third, we establish 1915–1920 MHz paired with 1995–2000 MHz as the H Block band plan. Fourth, we adopt technical rules that authorize mobile and fixed operations in the bands and protect operations in adjacent and nearby spectrum bands from harmful interference pursuant to the requirements of the Spectrum Act. Fifth,

we adopt cost sharing rules that require H Block licensees to pay a pro rata share of expenses incurred through clearing the 1915–1920 MHz and 1995–2000 MHz bands. Sixth, we adopt a variety of flexible use regulatory, licensing, and operating rules for H Block licensees. Seventh, we adopt performance requirements for the H Block spectrum. Specifically, a licensee of H Block will be subject to build-out requirements that require a licensee to provide terrestrial signal coverage and offer terrestrial service to at least 40 percent of its license areas' population within four years, and to at least 75 percent of the population in each of its license areas within ten years, and to appropriate penalties if these benchmarks are not met. Eighth, we adopt procedures to assign H Block licenses through a system of competitive bidding.

The effective date of the rules adopted in that Report and Order was published as August 16, 2013, except for §§ 1.946(d), 27.10(d), 27.12, and 27.17. Through this document, the Commission announces that it has received this approval (new OMB Control No. 3060–1184, Expiration Date: September 30, 2016) and that §§ 1.946(d), 27.10(d), 27.12, and 27.17 were approved by OMB on September 26, 2013.

The Commission has also received approval to add the national security certification required by Section 6004 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C 1404, to the FCC Form 601. Additionally, the FCC Form 601 is revised to update the Alien Ownership certifications pursuant to the Second Report and Order, FCC 13–50, IB Docket 11–133, Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under section 310(b)(4) of the Communications Act of 1934, as Amended, published at 78 FR 41314–01 on July 10, 2013, *available at http://www.gpo.gov/fdsys/pkg/FR-2013-07-23/pdf/2013-17711.pdf.*

Under 5 CFR Part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers are 3060–1184 and 3060–0798. The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1184.

OMB Approval Date: September 26, 2013.

OMB Expiration Date: September 30, 2016.

Title: Service Rules for the Advanced Wireless Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands.

Form Number: N/A.

Respondents: Business or other for-profit entities, not-for-profit institutions, Federal Government, and state, local or tribal government.

Number of Respondents: 4 respondents; 4 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion, reporting, recordkeeping requirements, and third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 15 U.S.C. 79 et seq.; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), 309, 310, 1404, and 1451.

Total Annual Burden: 2 hours.

Total Annual Cost: 0.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The following information collection requirements which were not effective until approved by the Office of Management and Budget apply to the following rule sections:

(a) Section 1.946 requires H Block licensees to file a construction notification and certify that they have met the applicable performance benchmarks.

(b) Section 27.10 requires an H Block licensee to notify the Commission within 30 days if it changes, or adds to, the carrier status on its license.

(c) Section 27.12 requires H Block licensees to comply with certain eligibility reporting requirements.

(d) Section 27.17 requires H Block licensees to notify the Commission within ten days if they permanently discontinue service by filing FCC Form 601 or 605 and requesting license cancellation.

OMB Control No.: 3060–0798.

OMB Approval Date: January 2, 2014.

OMB Expiration Date: January 31, 2017.

Title: FCC Application for Radio Service Authorization:

Wireless Telecommunications Bureau Public Safety and Homeland Security Bureau

Form No.: FCC Form 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; and State, Local or Tribal government.

Number of Respondents: 253,120.

Estimated Time per Response: 1.25 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement, Record Keeping & Other—10 year.

Obligation To Respond: Required to obtain or retain benefits.

Total Annual Burden: 221,780 hours.

Total Annual Cost: $55,410,000.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: FCC Form 601 is a consolidated, multi-part application form, or "long form," that is used for general market-based licensing and site-by-site licensing for wireless telecommunications and public safety services filed through the Commission's Universal Licensing System (ULS). FCC Form 601 is composed of a main form that contains the administrative information and a series of schedules used for filing technical and other information. Respondents are encouraged to submit FCC Form 601 electronically and are required to do so when submitting FCC Form 601 to apply for an authorization for which the applicant was the winning bidder in a spectrum auction.

The data collected on FCC Form 601 include the FCC Registration Number (FRN), which serves as a "common link" for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires that those entities filing with the Commission to use a FRN.

FCC Form 601 is being used for auctionable services as they are implemented; FCC Form 601 is used to apply for a new authorization, or to amend a pending application for an authorization to operate a license wireless radio services. This includes Public Mobile Services, Personal Communications Services, General Wireless Communications Services, Private Land Mobile Radio Services, Broadcast Auxiliary Services, Fixed Microwave Services, Instructional Television Fixed Service (ITFS) and the

Multipoint Distribution Service (MDS), Maritime Services (excluding ships), and Aviation Services (excluding aircraft). It may also be used to modify or renew an existing license, cancel a license, withdraw a pending application, obtain a duplicate license, submit required notifications, request an extension of time to satisfy construction requirements, or request an administrative update to an existing license (such as mailing address change), request a Special Temporary Authority (STA) or a Developmental License.

The FCC Form 601 is revised to add a National Security Certification that is applicable to applicants for licenses issued as a result of the Middle Class Tax Relief and Job Creation Act of 2012 (2012 Spectrum Act). Section 6004 of the 2012 Spectrum Act, 47 U.S.C 1404, prohibits a person who has been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant from participating in any auction that is required or authorized to be conducted pursuant to the 2012 Spectrum Act.

Additionally, the FCC Form 601 is being revised to update the Alien Ownership certifications pursuant to the Second Report and Order FCC 13–50 IB Docket 11–133 Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under section 310(b)(4) of the Communications Act of 1934, as Amended.

The Commission will use the information to ensure H Block licensees' compliance with required filings of notifications, certifications, regulatory status changes, and applicable performance benchmarks. Also, such information will be used to verify whether H Block applicants and, in the context of the national security certification requirement, whether other applicants for Spectrum Act licenses are legally and technically qualified to hold licenses; and to determine compliance with Commission rules. Any submissions made through the Universal Licensing System must be filed electronically.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–01055 Filed 1–16–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–207, RM–11700, DA 13–2436]

Radio Broadcasting Services; Heber Springs, Arkansas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Sydney Allison Sugg, the Audio Division amends the FM Table of Allotments, by allotting Channel 270C3 at Heber Springs, Arkansas, as the community third local FM transmission service. A staff engineering analysis confirms that Channel 270C3 can be allotted to Heber Springs consistent with the minimum distance separation requirements of the Rules with a site restriction 12.8 kilometers (7.9 miles) northeast of the community. The reference coordinates are 35–34–12 NL and 91–55–41 WL.

DATES: Effective February 3, 2014.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 13–207, adopted December 19, 2013, and released December 20, 2013. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Heber Springs, Channel 270C3.

[FR Doc. 2014–00768 Filed 1–16–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 11–207; RM–11517, RM–11518, RM–11669, DA 13–2342]

Radio Broadcasting Services; Ehrenberg, First Mesa, Kachina Village, Munds Park, Wickenburg, and Williams, Arizona

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Media Bureau approves a settlement request filed by Univision Radio License Corporation ("Univision") and Grenax Broadcasting II, LLC ("Grenax"), vacates the *Report and Order* in this proceeding, dismisses Grenax's Counterproposal for a new allotment on Channel 246C2 at Munds Park, Arizona, and grants Univision's Petition for Rule Making and hybrid application for an increase in existing service by its Station KHOV–FM, Wickenburg, Arizona. *See* **SUPPLEMENTARY INFORMATION.**

DATES: Effective January 21, 2014.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order,* MB Docket No. 11–207, adopted December 5, 2013, and released December 6, 2013. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing,

Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com*. The Commission will send a copy of this *Memorandum Opinion and Order* in a report to be sent to Congress and the Governmental Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Earlier in this proceeding, the Bureau comparatively evaluated conflicting proposals filed by Grenax and Univision and found that, under Priority 4 of the FM Allotment Priorities, Grenax's proposal for a second local service at Munds Park was preferable to an increase in existing service at Wickenburg. Therefore, the *Report and Order* granted Grenax's Counterproposal and dismissed Univision's Petition for Rule Making and hybrid application (File No. BPH–20080915AFP). *See Report and Order,* 78 FR 16816, March 19, 2013.

Under the settlement, Grenax agrees to withdraw its Counterproposal for the Munds Park allotment and to implement an Order to Show Cause to change the frequency of its Station KBTK(FM), Kachina Village, Arizona, to accommodate the grant of Univision's application for an upgrade of its Station KHOV–FM, Wickenburg, from Channel 287C2 to Channel 286C0 at a new transmitter site. In return, Univision agrees to reimburse Grenax $59,628 for its legitimate and prudent expenses incurred for prosecution of its Counterproposal and for the negotiation and settlement process and an estimated $101,112 for its reasonable expenses that will be incurred in changing Station's KBTK(FM)'s frequency.

The Bureau finds that the settlement agreement complies with Section 1.420(j) of the Commission's Rules because Grenax is withdrawing its Counterproposal in return for reimbursement of its legitimate and prudent expenses that have been incurred or will be incurred under our *Circleville* guidelines. It also determines that the dismissal of Grenax's associated application (File No. BNPH–20120221ACZ) for a new station at Munds Park does not require republication of local notice under Section 73.3525(b) because the dismissal would not unduly impede the principles of Section 307(b) of the Communications Act as Munds Park, a small community with a population of 631 persons, already has one local service. Additionally, the Section 307(b) preference was made under Priority 4. The Bureau further concludes that grant of Univision's application (File No. BPH–20080915AFP) will serve the public interest because it will provide a net gain of service to 1,294,275 persons with no loss of service.

To accommodate Univision's application, the Bureau grants the allotments proposed in the Petition for Rule Making. First, the Bureau modifies the license of Station KBTK(FM), Kachina Village, to specify operation on Channel 246C2 in lieu of Channel 286C2. Second, it substitutes Channel 228C2 for vacant Channel 286C2 at Ehrenberg, Arizona at reference coordinates of 33–36–54 NL and 114–24–14 WL. Third, the Bureau retains Channel 281C at First Mesa, Arizona, at reference coordinates of 35–41–09 NL and 110–21–43 WL because this channel was already substituted for vacant Channel 247C at First Mesa in the *Report and Order.*

Due to changes to the Commission's processing rules, modifications of FM channels for existing stations are reflected in the Media Bureau's Consolidated Data Base System ("CDBS") instead of being listed in Section 73.202(b). *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services,* Report and Order, 21 FR 76208, December 20, 2006. Accordingly, the CDBS will reflect Channel 286C0 at Wickenburg, Arizona, as the reserved assignment for Station KHOV–FM in lieu of Channel 287C2, and Channel 246C2 at Kachina Village, Arizona, as the reserved assignment for Station KBTK(FM) in lieu of Channel 286C2.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 286C2 at Ehrenberg and by adding Channel 228C2 at Ehrenberg, and by removing Munds Park, Channel 246C2.

[FR Doc. 2014–00771 Filed 1–16–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 101206604–1758–02]

RIN 0648–XD078

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction

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

ACTION: Temporary rule; trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit of Atlantic migratory group Spanish mackerel in or from the exclusive economic zone (EEZ) in the Atlantic migratory group southern zone to 1,500 lb (680 kg), round weight, per day. This trip limit reduction is necessary to maximize the socioeconomic benefits of the quota.

DATES: Effective 6 a.m., local time, January 17, 2014, until 12:01 a.m., local time, March 1, 2014, unless changed by subsequent notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone: 727–824–5305, or email: *susan.gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, and cobia) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is

implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Amendment 18 to the FMP (76 FR 82058, December 29, 2011) implemented a commercial annual catch limit (equal to the commercial quota) of 3.13 million lb (1.42 million kg) for the Atlantic migratory group of Spanish mackerel. Atlantic migratory group Spanish mackerel are divided into a northern and southern zone for management purposes. The southern zone for Atlantic migratory group Spanish mackerel extends from 30°42′45.6″ N. lat., which is a line directly east from the Georgia/Florida boundary, to 25°20.4′ N. lat., which is a line directly east from the Miami-Dade/Monroe County, Florida, boundary.

For the southern zone, seasonally variable trip limits are based on an adjusted commercial quota of 2.88 million lb (1.31 million kg). The adjusted commercial quota is calculated to allow continued harvest in the southern zone at a set rate for the remainder of the current fishing year, February 28, 2014, in accordance with 50 CFR 622.385(b)(2). As specified at 50 CFR 622.385(b)(1)(ii)(B), beginning December 1, annually, the trip limit is unlimited on weekdays and limited to 1,500 lb (680 kg) of Spanish mackerel per day on weekends. As specified at 50 CFR 622.385(b)(1)(ii)(C), after 75 percent of the adjusted commercial quota of Atlantic migratory group Spanish mackerel is taken until 100 percent of the adjusted commercial quota is taken, Spanish mackerel in or from the EEZ in the southern zone may not be possessed on board or landed from a permitted vessel in amounts exceeding 1,500 lb (680 kg) per day.

NMFS has determined that 75 percent of the adjusted commercial quota for Atlantic group Spanish mackerel has been taken. Accordingly, the 1,500-lb (680-kg) per day commercial trip limit applies to Spanish mackerel in or from the EEZ in the southern zone effective 6 a.m., local time, January 17, 2014, until 12:01 a.m., local time, March 1, 2014, unless changed by subsequent notification in the **Federal Register**.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Atlantic migratory group Spanish mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.385(b)(1)(ii)(C) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirements to provide prior notice and the opportunity for public comment on this temporary rule. Such procedures are unnecessary because the rule itself has already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the Atlantic migratory group Spanish mackerel resource because the capacity of the commercial fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: January 14, 2014.

Sean F. Corson,

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

[FR Doc. 2014–00904 Filed 1–14–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 121009528–2729–02]

RIN 0648–XD063

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2013 commercial summer flounder quota to the Commonwealth of Virginia. NMFS is adjusting the quotas and announcing the revised commercial quota for each state involved.

DATES: Effective January 17, 2014. The quota transfer is applicable from December 3, 2013, through December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Management Specialist, 978–281–9224.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are in 50 CFR part 648, and require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.102.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i) to evaluate requests for quota transfers or combinations.

North Carolina has agreed to transfer 29,373 lb (13,323 kg) of its 2013 commercial quota to Virginia. This transfer was prompted by summer flounder landings of four North Carolina vessels that were granted safe harbor in Virginia due to mechanical failures between December 3, 2013, and December 16, 2013, thereby requiring a quota transfer to account for an increase in Virginia's landings that would have otherwise accrued against the North Carolina quota. The Regional Administrator has determined that the criteria set forth in § 648.102(c)(2)(i) have been met. The revised summer flounder commercial quotas for calendar year 2013 are: North Carolina, 373,400 lb (169,371 kg); and Virginia, 5,314,380 lb (2,410,562 kg).

Classification

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

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

Dated: January 14, 2014.

Sean F. Corson,

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

[FR Doc. 2014–00906 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 12
Friday, January 17, 2014

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1216

[Document Number AMS–FV–13–0089]

Peanut Promotion, Research and Information Order; Continuance Referendum

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible producers of peanuts to determine whether they favor continuance of the Peanut Promotion, Research and Information Order (Order).

DATES: The referendum will be conducted from April 7 through April 18, 2014. To vote in this referendum, producers must have paid assessments on peanuts produced during the representative period from January 1 through December 31, 2013, and must currently be a peanut producer.

ADDRESSES: Copies of the Order may be obtained from: Referendum Agent, Promotion and Economics Division (PED), Fruit and Vegetable Program (FVP), AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW., Washington, DC 20250–0244; telephone: (888) 720–9917 (toll free), (202) 720–9915 (direct line); facsimile: (202) 205–2800.

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, PED, FVP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW., Washington, DC 20250–0244; telephone: (888) 720–9917 (toll free), (202) 720–9915 (direct line); facsimile: (202) 205–2800; or electronic mail: *Jeanette.Palmer@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research and Information Act of 1996 (7 U.S.C. 7411–7425) (Act), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by producers of peanuts covered under the program. The Order is authorized under the Act.

The representative period for establishing voter eligibility for the referendum shall be the period from January 1 through December 31, 2013. Persons who are currently producers of peanuts, and who produced peanuts and paid assessments during the representative period are eligible to vote. Persons who received an exemption from assessments for the entire representative period are ineligible to vote. The referendum shall be conducted by mail from April 7 through April 18, 2014.

Section 518 of the Act authorizes continuance referenda. Under section 1216.82 of the Order, the U.S. Department of Agriculture (Department) must conduct a referendum every five years or when 10 percent or more of the eligible peanut producers petition the Secretary of Agriculture to hold a referendum to determine if persons subject to assessment favor continuance of the Order. The Department would continue the Order if continuance is approved by a simple majority of the producers voting in the referendum.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0093. It has been estimated that there are approximately 9,208 producers who will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Jeanette Palmer and Sonia Jimenez, PED, FVP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW., Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures 7 CFR 1216.100 through 1216.107, which were issued pursuant to the Act, shall be used to conduct the referendum.

The referendum agents will mail the ballots to be cast in the referendum and voting instructions to all known producers prior to the first day of the voting period. Persons who are producers at the time of the referendum and who produced peanuts and paid assessments during the representative period are eligible to vote. Persons who received an exemption from assessments during the entire representative period are ineligible to vote. Any eligible producer who does not receive a ballot should contact the referendum agent no later than one week before the end of the voting period. Ballots must be received by the referendum agent, not later than close of business 4:30 p.m. Eastern time, April 18, 2014, in order to be counted.

List of Subjects in 7 CFR Part 1216

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Peanut promotion, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

Dated: January 10, 2014.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2014–00773 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28413; Directorate identifier 2007–NE–25–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directives (ADs) 90–26–01, 91–20–02, and 2009–05–02, which apply to all General Electric Company (GE) CF6–80C2 and CF6–80E1 series turbofan engines. Since we issued ADs 90–26–01, 91–20–02, and 2009–05–02, we received a report of an undercowl fire caused by a manifold high-pressure fuel leak, and several additional reports of fuel leaks. This proposed AD would require additional repetitive inspections, replacement of tube (block) clamp, and inspection of fuel manifolds for wear at each tube (block) clamp location. We are proposing this AD to

prevent failure of the fuel manifold, which could lead to uncontrolled engine fire, engine damage, and damage to the airplane.

DATES: We must receive comments on this proposed AD by March 3, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kasra Sharifi, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. 01830; phone 781–238–7773; fax: 781–238–7199; email: *kasra.sharifi@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–2007–28413; Directorate Identifier 2007–NE–25–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://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On December 20, 1990, we issued AD 90–26–01 (55 FR 49611, November 30, 1990), for GE CF6–80C2 series turbofan engines. That AD requires replacing fuel manifold, part numbers (P/Ns) 1303M31G04 and 1303M32G04, within 30 calendar days after the effective date of the AD. That AD resulted from a report of an engine fire.

On November 15, 1991, we issued AD 91–20–02 (56 FR 55231, October 25, 1991), for the same engines. That AD requires replacing fuel manifold, P/Ns 1303M31G06, 1303M32G06, 1303M31G07, 1303M32G07, 1303M31G08, and 1303M32G08, at the next engine removal, but no later than June 30, 1993. That AD also resulted from a report of an engine fire.

On March 31, 2009, we issued AD 2009–05–02 (74 FR 8161, February 24, 2009), for GE CF6–80C2 and CF6–80E1 series turbofan engines with fuel manifolds, P/Ns 1303M31G12 and 1303M32G12, installed in drainless fuel manifold assemblies. That AD requires removing the loop clamps that hold the fuel manifold to the compressor rear frame damper brackets, inspecting the fuel manifold for wear at each clamp location, and replacing the clamps with new zero-time parts. That AD also requires revising the Airworthiness Limitations Section to require repetitive fuel manifold inspection and loop clamp replacement. That AD resulted from reports of fuel leaks during engine operation.

We issued these ADs to prevent failure of the fuel manifold, which could lead to uncontrolled engine fire, engine damage, and damage to the airplane. We are superseding these ADs to eliminate potentially confusing and contradictory requirements in these ADs. This proposed AD expands the inspection mandated by AD 2009–05–02 and it expands the list of banned fuel manifolds mandated by AD 90–26–01 and AD 91–20–02.

Actions Since Previous ADs Were Issued

Since we issued AD 90–26–01 (55 FR 49611, November 30, 1990); AD 91–20–02 (56 FR 55231, October 25, 1991); and AD 2009–05–02 (74 FR 8161, February 24, 2009); we received a report of an undercowl fire caused by a fuel manifold high-pressure fuel leak in engine model CF6–80C2, and several additional reports of fuel leaks; four in the CF6–80C2 and one in the CF6–80E1 model engine.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would retain the requirements of AD 90–26–01 (55 FR 49611, November 30, 1990); and AD 91–20–02 (56 FR 55231, October 25, 1991); to remove certain fuel manifold P/Ns, and the requirements of AD 2009–05–02 (74 FR 8161, February 24, 2009); to inspect certain fuel manifold P/Ns and replace certain consumable components. This proposed AD would add a requirement to inspect an additional fuel manifold configuration and replacement of certain loop clamps. This proposed AD would also require repetitive inspection and replacement of tube (block) clamp, and inspection of the fuel manifold for wear at each tube (block) clamp location. This proposed AD would also require removing certain drainless fuel manifold assembly P/Ns from service.

Costs of Compliance

We estimate that this proposed 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 is would 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 the proposed 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 proposed regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have 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 that the 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 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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

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

■ b. Adding the following new AD:

General Electric Company: Docket No. FAA–2007–28413; Directorate Identifier 2007–NE–25–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by March 3, 2014.

(b) Affected ADs

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

(c) Applicability

This AD applies to all General Electric Company (GE) CF6–80C2 and CF6–80E1 turbofan engines with fuel manifold, part numbers (P/Ns) 1303M31G04,1303M32G04, 1303M31G06, 1303M32G06, 1303M31G07, 1303M32G07, 1303M31G08, 1303M32G08,1308M31G12, 1308M32G12, 2420M70G01, and 2420M71G01, installed.

(d) Unsafe Condition

This AD was prompted by a report of an undercowl 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) For CF6–80C2 and CF6–80E1 series engines, before further flight after the effective date of this AD, remove fuel manifold, P/Ns 1303M31G04, 1303M32G04, 1303M31G06, 1303M32G06, 1303M31G07, 1303M32G07, 1303M31G08, and 1303M32G08, from service.

(ii) For CF6–80C2 and CF6–80E1 series engines, at the next engine shop visit after effective date of this AD, remove fuel manifold, P/Ns 1303M31G12, 1303M32G12, 2420M70G01, and 2420M71G01, from service.

(2) Fuel Manifold, Loop Clamp, and Tube (Block) Clamp Inspection and Replacement—Drainless Assembly.

(i) For CF6–80C2 series engines, with fuel manifold, P/N 1303M31G12 or 1303M32G12, installed, refer to Table 1 to paragraph (e) of this AD, accomplish the initial inspections of the fuel manifold and replacement of the loop clamps in accordance with paragraphs 3.A and 3.D of GE Service Bulletin (SB) CF6–80C2 S/B 73–0326, Revision 4, dated December 23, 2009.

(ii) For CF6–80C2 series engines, with fuel manifold, P/Ns 2420M70G01 or 2420M71G01, installed, refer to Table 1 to paragraph (e) of this AD, accomplish the initial inspection of the fuel manifold and replacement of the loop clamps in accordance with paragraphs 3.C and 3.D of GE SB CF6–80C2 S/B 73–0326, Revision 4, dated December 23, 2009.

(iii) For CF6–80E1 series engines, with fuel manifold, P/Ns 1303M31G12 or 1303M32G12, installed, refer to Table 1 to paragraph (e) of this AD, accomplish the initial inspection of the fuel manifold and replacement of the loop clamps in accordance with paragraphs 3.A and 3.C of GE SB CF6–80E1 S/B 73–0061, Revision 4, dated December 23, 2009.

(iv) For CF6–80E1 series engines, with fuel manifold P/Ns 2420M70G01 or 2420M71G01 installed, refer to Table 1 to paragraph (e) of this AD, accomplish the initial inspection of the fuel manifold and replacement of the loop clamps in accordance with paragraphs 3.B and 3.C of GE SB CF6–80E1 S/B 73–0061, Revision 4, dated December 23, 2009.

(v) Thereafter, inspect fuel manifolds P/Ns 1303M31G12, 1303M32G12, 2420M70G01, and 2420M71G01 installed, within every 7,500 flight hours (FH) since the last inspection, in accordance with paragraphs (e)(2)(i) through (e)(2)(iv) of this AD.

TABLE 1 TO PARAGRAPH (E)—FUEL MANIFOLD INSPECTION AND LOOP CLAMP REPLACEMENT AND INSPECTION CRITERIA

If:	Then:
1—If the engine was previously inspected using any of the following: • GE SB CF6–80C2 SB 73–0326 R04, Revision 4, dated December 23, 2009; • GE SB CF6–80C2 SB 73–0326, Revision 3, dated April 24, 2009; • GE SB CF6–80E1 SB 73–0061 R04, Revision 4, dated December 23, 2009 or; • GE SB CF6–80E1 SB 73–0061, Revision 3, dated April, 24, 2009.	Then inspect fuel manifold and replace clamps within 7,500 flight hours (FH) time-since-last-inspection (TSLI) or within 6 months after the effective date of this AD, whichever occurs first.
2—If the loop clamps installed at last shop visit were previously used or of unknown heritage or the engine was previously inspected using either of the following:	

TABLE 1 TO PARAGRAPH (E)—FUEL MANIFOLD INSPECTION AND LOOP CLAMP REPLACEMENT AND INSPECTION CRITERIA—Continued

If:	Then:
• GE CF6–80C2 SB 73–0326, Revision 2, dated August 30, 2007 or earlier; • GE CF6–80E1 SB 73–0061, Revision 2, dated August 30, 2007 or earlier.	Then inspect fuel manifold and replace clamps within 1,750 FH time-since-last-shop-visit or within 4 months after the effective date of this AD, whichever occurs first.
3—If the engine is a first-run engine, an engine with zero-time, or has new loop clamps previously installed on-wing or at shop visit.	Then inspect fuel manifold and replace clamps within 7,500 FH time-since-new or since zero-time that new loop clamps were installed.
4—If the engine has already exceeded the 1,750 FH initial inspection threshold on the effective date of this AD but has fewer than 4,500 flight hours TSLI.	Then inspect fuel manifold and replace clamps within 4,500 FH TSLI or 4 months after the effective date of this AD, whichever occurs first.
5—If the engine has already exceeded the 4,500 FH initial inspection threshold on the effective date of this AD.	Then inspect fuel manifold and replace clamps within 4 months after the effective date of this AD.

(3) For CF6–80C2 series engines, with fuel manifold, P/Ns 1303M31G12, 1303M32G12, 2420M70G01, or 2420M71G01, with tube (block) clamp, P/N 1153M26G15, refer to Table 2 to paragraph (e) of this AD, accomplish the initial inspection of the fuel manifold and tube (block) clamp, and replacement of the fuel manifold and tube (block) clamp, if required based on inspection results, in accordance with paragraph 3.A of GE SB CF6–80C2 S/B 73–0414, dated July 2, 2013.

(4) For CF6–80E1 series engines, with fuel manifold, P/Ns 1303M31G12, 1303M32G12, 2420M70G01, or 2420M71G01, with tube (block) clamp, P/N 1153M26G15, refer to Table 2 to paragraph (e) of this AD, accomplish the initial inspections of the fuel manifold and tube (block) clamp, and replacement of the fuel manifold and tube (block) clamp, if required based on inspection results, in accordance with paragraph 3.A of GE SB CF6–80E1 S/B 73–0121, dated July 2, 2013.

(5) Thereafter, inspect fuel manifold, P/Ns 1303M31G12, 1303M32G12, 2420M70G01, and 2420M71G01, within every 7,500 flight hours (FH) since the last inspection, in accordance with paragraphs (e)(3) and (e)(4) of this AD.

TABLE 2 TO PARAGRAPH (E)—FUEL MANIFOLD AND TUBE (BLOCK) CLAMP INSPECTION AND REPLACEMENT CRITERIA

If:	Then:
1—If the engine is a first run engine or the engine was previously inspected using either of the following: • GE SB CF6–80C2 S/B 73–0414, dated July 2, 2013; • GE SB CF6–80E1 S/B 73–0121 dated July 02, 2013.	Then inspect clamps and replace within 7,500 FH TSLI.
2—If the engine has already exceeded the 7,500 FH initial inspection threshold on the effective date of this AD.	Then inspect clamps and replace within 3 months after the effective date of this AD.

(f) Prohibition Statement

After the effective date of this AD, do not install fuel manifold, P/Ns 1308M31G04, 1303M32G04, 1303M31G06, 1303M32G06, 1303M31G07, 1303M32G07, 1303M31G08, 1303M32G08, 1308M31G12, 1308M32G12, 2420M70G01, or 2420M71G01, on any engine.

(g) Definition

For the purpose of this AD, an engine shop visit is the induction of an engine into the shop for maintenance involving separation of pairs of major mating engine flanges (lettered flanges), except that the separation of engine flanges solely for the purposes of transporting the engine without subsequent engine maintenance does not constitute an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

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. Previously approved AMOCs for AD 2009–05–02 (74 FR 8161, February 24, 2009) remain approved for the corresponding requirements of paragraphs (e)(1) through (e)(5) of this AD.

(i) 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 01830; phone 781–238–7773; fax: 781–238–7199; email: *kasra.sharifi@faa.gov*.

(2) General Electric Service Bulletin (SB) CF6–80C2 S/B 73–0326, Revision 4, dated December 23, 2009, SB CF6–80E1 S/B 73–0061, Revision 4, dated December 23, 2009, SB CF6–80C2 S/B 73–0414, dated July 2, 2013, and SB CF6–80E1 S/B 73–0121, dated July 2, 2013, pertain to the subject of this AD and can be obtained from GE using the contact information in paragraph (i)(3) of this AD.

(3) 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*.

(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.

Issued in Burlington, Massachusetts, on December, 24, 2013.

Frank P. Paskiewicz,

Acting Director, Aircraft Certification Service.

[FR Doc. 2014–00833 Filed 1–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–154890–03]

RIN 1545–BJ42

Basis in Interests in Tax-Exempt Trusts

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that provide rules for determining a taxable beneficiary's basis in a term interest in a charitable remainder trust upon a sale or other disposition of all interests in the trust to

the extent that basis consists of a share of adjusted uniform basis. The regulations affect taxable beneficiaries of charitable remainder trusts.

DATES: Written or electronic comments and requests for a public hearing must be received by April 17, 2014.

ADDRESSES: Send submissions to CC:PA:LPD:PR (REG–154890–03), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–154890–03), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–154890–03).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Allison R. Carmody at (202) 317–5279; concerning submissions of comments and requests for hearing, Oluwafunmilayo (Funmi) Taylor, at (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Statutory and Regulatory Rules

Charitable Remainder Trusts

A charitable remainder trust (CRT) is a trust that provides for the distribution of an annuity or a unitrust amount, at least annually, to one or more beneficiaries, at least one of which is not a charity, for life or for a limited term of years, with an irrevocable remainder interest held for the benefit of, or paid over to, charity. Thus, there is at least one current income beneficiary of a CRT, and a charitable remainder beneficiary. A CRT is not subject to income tax. See section 664(c).

Uniform Basis Rule

Property acquired by a trust from a decedent or as a gift generally has a uniform basis. This means that property has a single basis even though more than one person has an interest in that property. See §§ 1.1014–4(a)(1) and 1.1015–1(b). Generally, the uniform basis of assets transferred to a trust is determined under section 1015 for assets transferred by lifetime gift, or under section 1014 or 1022 for assets transferred from a decedent. Adjustments to uniform basis for items such as depreciation are made even though more than one person holds an interest in the property (adjusted uniform basis).

When a taxable trust sells assets, any gain is taxed currently to the trust, to one or more beneficiaries, or apportioned among the trust and its beneficiaries. If the trust reinvests the proceeds from the sale in new assets, the trust's basis in the newly purchased assets is the cost of the new assets. See section 1012. Thus, the adjusted uniform basis of that taxable trust is attributable to basis obtained with proceeds from sales that were subject to income tax.

However, a CRT does not pay income tax on gain from the sale of appreciated assets. A CRT may sell appreciated assets and accumulate undistributed income and undistributed capital gains, and may reinvest the proceeds of the sales in new assets. The treatment of distributions from a CRT to its income beneficiary depends upon the amount of undistributed income and undistributed capital gains in the CRT. Sections 664(b)(1) and (2).

Basis in Term and Remainder Interests in a CRT

Section 1001(e) governs the determination of gain or loss from the sale or disposition of a term interest in property, such as a life or term interest in a CRT. In general, section 1001(e)(1) provides that the portion of the adjusted basis of a term interest in property that is determined pursuant to sections 1014, 1015, or 1041 is disregarded in determining gain or loss from the sale or other disposition of such term interest. Thus, the seller of such an interest generally must disregard that portion of the basis in the transferred interest in computing the gain or loss.

Section 1001(e)(3), however, provides that section 1001(e)(1) does not apply to a sale or other disposition that is part of a transaction in which the entire interest in property is transferred. Therefore, in the case of a sale or other disposition that is part of a transaction in which all interests in the property (or trust) are transferred as described in section 1001(e)(3), the capital gain or loss of each seller of an interest is the excess of the amount realized from the sale of that interest over the seller's basis in that interest. Each seller's basis is the seller's portion of the adjusted uniform basis assignable to the interest so transferred. See § 1.1014–5(a)(1).

The basis of a term or remainder interest in a trust at the time of its sale or other disposition is determined under the rules provided in § 1.1014–5. See also §§ 1.1015–1(b) and 1.1015–2(a)(2), which refer to the rules of § 1.1014–5. Specifically, § 1.1014–5(a)(3) provides that, in determining the basis in a term or remainder interest in property at the time of the interest's sale or disposition, adjusted uniform basis is allocated using the factors for valuing life estates and remainder interests. Thus, the portions of the adjusted uniform basis attributable to the interests of the life tenant and remaindermen are adjusted to reflect the change in the relative values of such interests due to the lapse of time.

Notice 2008–99

The IRS and the Treasury Department became aware of a type of transaction involving these provisions and, on October 31, 2008, the IRS and the Treasury Department published Notice 2008–99 (2008–47 IRB 1194) ("Notice") to designate a transaction and substantially similar transactions as Transactions of Interest under § 1.6011–4(b)(6) of the Income Tax Regulations, and to ask for public comments on how the transactions might be addressed in published guidance. In this type of transaction, a sale or other disposition of all interests in a CRT subsequent to the contribution of appreciated assets to, and their reinvestment by, the CRT results in the grantor or other noncharitable beneficiary (the taxable beneficiary) receiving the value of the taxable beneficiary's trust interest while claiming to recognize little or no taxable gain.

Specifically, upon contribution of assets to the CRT, the grantor claims an income tax deduction under section 170 of the Internal Revenue Code (Code) for the portion of the fair market value of the assets contributed to the CRT (which generally have a fair market value in excess of the grantor's cost basis) that is attributable to the charitable remainder interest. When the CRT sells or liquidates the contributed assets, the taxable beneficiary does not recognize gain, and the CRT is exempt from tax on such gain under section 664(c). The CRT reinvests the proceeds in other assets, often a portfolio of marketable securities, with a basis equal to the portfolio's cost. The taxable beneficiary and charity subsequently sell all of their respective interests in the CRT to a third party.

The taxable beneficiary takes the position that the entire interest in the CRT has been sold as described in section 1001(e)(3) and, therefore, section 1001(e)(1) does not apply to the transaction. As a result, the taxable beneficiary computes gain on the sale of the taxable beneficiary's term interest by taking into account the portion of the uniform basis allocable to the term interest under §§ 1.1014–5 and 1.1015–1(b). The taxable beneficiary takes the position that this uniform basis is

derived from the basis of the new assets acquired by the CRT rather than the grantor's basis in the assets contributed to the CRT.

Explanation of Provisions

In response to the request for comments in the Notice, the IRS and the Treasury Department received three written comments. All three commenters agreed that a taxable beneficiary of a CRT should not benefit from a basis step-up attributable to tax-exempt gains, and each supported amending the uniform basis rules to foreclose this benefit. The IRS and the Treasury Department agree that it is inappropriate for a taxable beneficiary to share in the uniform basis obtained through the reinvestment of income not subject to tax due to a trust's tax-exempt status.

Accordingly, these proposed regulations provide a special rule for determining the basis in certain CRT term interests in transactions to which section 1001(e)(3) applies. In these cases, the proposed regulations provide that the basis of a term interest of a taxable beneficiary is the portion of the adjusted uniform basis assignable to that interest reduced by the portion of the sum of the following amounts assignable to that interest: (1) The amount of undistributed net ordinary income described in section 664(b)(1); and (2) the amount of undistributed net capital gain described in section 664(b)(2). These proposed regulations do not affect the CRT's basis in its assets, but rather are for the purpose of determining a taxable beneficiary's gain arising from a transaction described in section 1001(e)(3). However, the IRS and the Treasury Department may consider whether there should be any change in the treatment of the charitable remainderman participating in such a transaction.

In addition to the comments supportive of a basis limitation described above and proposed to be adopted herein, the commenters addressed additional issues in response to the Notice. One commenter requested guidance specifying what valuation methods the IRS will accept as a reasonable method for determining the amount of a life-income recipient's gain on the termination of certain types of CRTs. Another commenter suggested that the IRS and the Treasury Department could create a rule requiring a zero basis for all interests in CRTs in order to prevent an inappropriate result while still allowing for early termination of CRTs. The commenter also proposed that this rule be made applicable to all early terminations of CRTs. The IRS and the Treasury Department did not adopt a rule requiring a zero basis for all interests in CRTs because the IRS and the Treasury Department believe that the rule provided in the proposed regulations will prevent inappropriate results while treating parties to the transaction fairly. Additionally, the IRS and the Treasury Department believe that rules addressing early terminations other than those arising from a transaction described in section 1001(e)(3), and rules prescribing valuation methods, are beyond the scope of the issues intended to be addressed in these proposed regulations, and thus will not be considered as part of this guidance.

Finally, the rules in these proposed regulations are limited in application to charitable remainder annuity trusts and charitable remainder unitrusts as defined in section 664. The IRS and the Treasury Department request comments as to whether the rules also should apply to other types of tax-exempt trusts.

Effect on Other Documents

The issuance of these proposed regulations does not affect the disclosure obligation set forth in the Notice.

Proposed Effective/Applicability Date

These regulations are proposed to apply to sales and other dispositions of interests in CRTs occurring on or after January 16, 2014, except for sales or dispositions occurring pursuant to a binding commitment entered into before January 16, 2014. However, the inapplicability of these regulations to an excepted sale or disposition does not preclude the IRS from applying legal arguments available to the IRS before issuance of these regulations in order to contest the claimed tax treatment of such a transaction.

Availability of IRS Documents

The IRS notice cited in this preamble is published in the Internal Revenue Bulletin or Cumulative Bulletin and is available at the IRS Web site at *http://www.irs.gov* or the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply to these regulations because the regulations do not impose a collection of information on small entities. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and 8 copies) or electronic comments that are submitted timely to the IRS. The IRS and the Treasury Department also request comments on the administrability and clarity of the proposed rules, and how they can be made easier to understand. All comments will be available for public inspection and copying at *www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person who timely submits written or electronic comments. If a public hearing is scheduled, notice of the date, time, and place of the public hearing will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Allison R. Carmody of the Office of Associate Chief Counsel (Passthroughs and Special Industries). Other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

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

§ 1.1001–1 [Amended]

■ **Par. 2.** Section 1.1001–1, paragraph (f)(4), is amended by removing the language "paragraph (c)" and adding "paragraph (d)" in its place.

§ 1.1014–5 [Amended]

■ **Par. 3.** Section 1.1014–5 is amended by:

■ 1. In paragraph (a)(1), first sentence, removing the language "paragraph (b)" and adding "paragraph (b) or (c)" in its place.

■ 2. Re-designating paragraph (c) as newly-designated paragraph (d) and adding new paragraph (c).

■ 3. In newly-designated paragraph (d), adding new *Example 7* and *Example 8*.

The additions read as follows:

§ 1.1014–5 Gain or loss.

* * * * *

(c) *Sale or other disposition of a term interest in a tax-exempt trust*—(1) *In general.* In the case of any sale or other disposition by a taxable beneficiary of a term interest (as defined in § 1.1001–1(f)(2)) in a tax-exempt trust (as described in paragraph (c)(2) of this section) to which section 1001(e)(3) applies, the taxable beneficiary's share of adjusted uniform basis, determined as of (and immediately before) the sale or disposition of that interest, is—

(i) That part of the adjusted uniform basis assignable to the term interest of the taxable beneficiary under the rules of paragraph (a) of this section reduced, but not below zero, by

(ii) An amount determined by applying the same actuarial share applied in paragraph (c)(1)(i) of this section to the sum of—

(A) The trust's undistributed net ordinary income within the meaning of section 664(b)(1) and § 1.664–1(d)(1)(ii)(*a*)(*1*) for the current and prior taxable years of the trust, if any; and

(B) The trust's undistributed net capital gains within the meaning of section 664(b)(2) and § 1.664–1(d)(1)(ii)(*a*)(*2*) for the current and prior taxable years of the trust, if any.

(2) *Tax-exempt trust defined.* For purposes of this section, the term *tax-exempt trust* means a charitable remainder annuity trust or a charitable remainder unitrust as defined in section 664.

(3) *Taxable beneficiary defined.* For purposes of this section, the term *taxable beneficiary* means any person other than an organization described in section 170(c) or exempt from taxation under section 501(a).

(4) *Effective/applicability date.* This paragraph (c) and paragraph (d), *Example 7* and *Example 8*, of this section apply to sales and other dispositions of interests in tax-exempt trusts occurring on or after January 16, 2014, except for sales or dispositions occurring pursuant to a binding commitment entered into before January 16, 2014.

(d) * * *

Example 7. (a) Grantor creates a charitable remainder unitrust (CRUT) on Date 1 in which Grantor retains a unitrust interest and irrevocably transfers the remainder interest to Charity. Grantor is an individual taxpayer subject to income tax. CRUT meets the requirements of section 664 and is exempt from income tax.

(b) Grantor's basis in the shares of X stock used to fund CRUT is $10x. On Date 2, CRUT sells the X stock for $100x. The $90x of gain is exempt from income tax under section 664(c)(1). On Date 3, CRUT uses the $100x proceeds from its sale of the X stock to purchase Y stock. On Date 4, CRUT sells the Y stock for $110x. The $10x of gain on the sale of the Y stock is exempt from income tax under section 664(c)(1). On Date 5, CRUT uses the $110x proceeds from its sale of Y stock to buy Z stock. On Date 5, CRUT's basis in its assets is $110x and CRUT's total undistributed net capital gains are $100x.

(c) Later, when the fair market value of CRUT's assets is $150x and CRUT has no undistributed net ordinary income, Grantor and Charity sell all of their interests in CRUT to a third person. Grantor receives $100x for the retained unitrust interest, and Charity receives $50x for its interest. Because the entire interest in CRUT is transferred to the third person, section 1001(e)(3) prevents section 1001(e)(1) from applying to the transaction. Therefore, Grantor's gain on the sale of the retained unitrust interest in CRUT is determined under section 1001(a), which provides that Grantor's gain on the sale of that interest is the excess of the amount realized, $100x, over Grantor's adjusted basis in the interest.

(d) Grantor's adjusted basis in the unitrust interest in CRUT is that portion of CRUT's adjusted uniform basis that is assignable to Grantor's interest under § 1.1014–5, which is Grantor's actuarial share of the adjusted uniform basis. In this case, CRUT's adjusted uniform basis in its sole asset, the Z stock, is $110x. However, paragraph (c) of this section applies to the transaction. Therefore, Grantor's actuarial share of CRUT's adjusted uniform basis (determined by applying the factors set forth in the tables contained in § 20.2031–7 of this chapter) is reduced by an amount determined by applying the same factors to the sum of CRUT's $0 of undistributed net ordinary income and its $100x of undistributed net capital gains.

(e) In determining Charity's share of the adjusted uniform basis, Charity applies the factors set forth in the tables contained in § 20.2031–7 of this chapter to the full $110x of basis.

Example 8. (a) Grantor creates a charitable remainder annuity trust (CRAT) on Date 1 in which Grantor retains an annuity interest and irrevocably transfers the remainder interest to Charity. Grantor is an individual taxpayer subject to income tax. CRAT meets the requirements of section 664 and is exempt from income tax.

(b) Grantor funds CRAT with shares of X stock having a basis of $50x. On Date 2, CRAT sells the X stock for $150x. The $100x of gain is exempt from income tax under section 664(c)(1). On Date 3, CRAT distributes $10x to Grantor, and uses the remaining $140x of net proceeds from its sale of the X stock to purchase Y stock. Grantor treats the $10x distribution as capital gain, so that CRAT's remaining undistributed net capital gains amount described in section 664(b)(2) and § 1.664–1(d) is $90x.

(c) On Date 4, when the fair market value of CRAT's assets, which consist entirely of the Y stock, is still $140x, Grantor and Charity sell all of their interests in CRAT to a third person. Grantor receives $126x for the retained annuity interest, and Charity receives $14x for its remainder interest. Because the entire interest in CRAT is transferred to the third person, section 1001(e)(3) prevents section 1001(e)(1) from applying to the transaction. Therefore, Grantor's gain on the sale of the retained annuity interest in CRAT is determined under section 1001(a), which provides that Grantor's gain on the sale of that interest is the excess of the amount realized, $126x, over Grantor's adjusted basis in that interest.

(d) Grantor's adjusted basis in the annuity interest in CRAT is that portion of CRAT's adjusted uniform basis that is assignable to Grantor's interest under § 1.1014–5, which is Grantor's actuarial share of the adjusted uniform basis. In this case, CRAT's adjusted uniform basis in its sole asset, the Y stock, is $140x. However, paragraph (c) of this section applies to the transaction. Therefore, Grantor's actuarial share of CRAT's adjusted uniform basis (determined by applying the factors set forth in the tables contained in § 20.2031–7 of this chapter) is reduced by an amount determined by applying the same factors to the sum of CRAT's $0 of undistributed net ordinary income and its $90x of undistributed net capital gains.

(e) In determining Charity's share of the adjusted uniform basis, Charity applies the factors set forth in the tables contained in § 20.2031–7 of this chapter to determine its actuarial share of the full $140x of basis.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2014–00807 Filed 1–16–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–121534–12]

RIN 1545–BL00

Guidance for Determining Stock Ownership

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations section of this issue of the **Federal Register**, the IRS and the Treasury

Department are issuing temporary regulations that identify certain stock of a foreign corporation that is disregarded in calculating ownership of the foreign corporation for purposes of determining whether it is a surrogate foreign corporation. The temporary regulations also provide guidance with respect to the effect of transfers of stock of a foreign corporation after the foreign corporation has acquired substantially all of the properties of a domestic corporation or of a trade or business of a domestic partnership. These regulations affect certain domestic corporations and partnerships (and certain parties related thereto), and foreign corporations that acquire substantially all of the properties of such domestic corporations or of the trades or businesses of such domestic partnerships. The text of the temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary regulations and these proposed regulations.

DATES: Comments and requests for a public hearing must be received by April 17, 2014.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–121534–12), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–121534–12), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–121534–12).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, David A. Levine, (202) 317–6937; concerning submissions of comments or requests for a public hearing, Oluwafunmilayo Taylor, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR part 1) relating to section 7874 of the Internal Revenue Code. The temporary regulations identify certain stock of a foreign corporation that is not taken into account for purposes of calculating the ownership percentage described in section 7874(a)(2)(B)(ii), and also address the effect of certain transfers of stock of a foreign corporation that occur after the acquisition described in section 7874(a)(2)(B)(i). The text of those regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains these amendments.

Special Analyses

It has been determined that that these regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. It is hereby certified that the collection of information contained in these regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. Given the complexity and cost of a transaction to which these regulations may apply, the IRS and the Treasury Department anticipate that these regulations primarily will affect large domestic corporations and partnerships and their shareholders and partners. Although small entities could be shareholders or partners of a larger domestic corporation or partnership involved in a transaction affected by the regulations, the IRS and the Treasury Department do not anticipate the number of these shareholders or partners to be substantial. Pursuant to section 7805(f), these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the "Addresses" heading. The IRS and the Treasury Department request comments on all aspects of the proposed rules. All comments will be available at *www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person who timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal authors of these regulations are David A. Levine of the Office of Associate Chief Counsel (International) and Mary W. Lyons, formerly of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding entries in numerical order to read as follows:

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

Section 1.7874–4 also issued under 26 U.S.C. 7874(c)(6) and (g). Section 1.7874–5 also issued under 26 U.S.C. 7874(c)(6) and (g).

■ **Par. 2.** Section 1.7874–4 is added to read as follows:

§ 1.7874–4 Disregard of certain stock related to the acquisition.

[The text of proposed § 1.7874–4(a) through (k) is the same as the text of § 1.7874–4T(a) through (k) published elsewhere in this issue of the **Federal Register**].

■ **Par. 3.** Section 1.7874–5 is added to read as follows:

§ 1.7874–5 Effect of certain transfers of stock related to the acquisition.

[The text of proposed § 1.7874–5(a) through (c) is the same as the text of § 1.7874–5T(a) through (c) published elsewhere in this issue of the **Federal Register**].

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2014–00894 Filed 1–16–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1, 3, 5 and 11

[Docket No.: PTO–P–2013–0025]

RIN 0651–AC87

Extension of the Comment Period for Notice of Proposed Rulemaking on Changes To Implement the Hague Agreement Concerning International Registration of Industrial Designs

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of extension of public comment period.

SUMMARY: The United States Patent and Trademark Office ("USPTO" or "Office") published a notice of proposed rulemaking to change the rules of practice to implement Title I of the Patent Law Treaties Implementation Act of 2012 ("PLTIA"). Title I of the PLTIA amends the patent laws to implement the provisions of the 1999 Geneva Act of the Hague Agreement and is to take effect on the entry in force of the Hague Agreement with respect to the United States. On January 14, 2014, the Office conducted a public forum at the Alexandria, Virginia headquarters to discuss the proposed rules. The USPTO is extending the comment period in order to provide interested members of the public with additional time to submit written comments to the USPTO.

DATES: The comment deadline announced in the proposed rule published on November 29, 2013 (78 FR 71870) has been extended. To be ensured of consideration, written comments must be received on or before Tuesday, February 4, 2014.

ADDRESSES: Comments should be sent by electronic mail message over the Internet addressed to: *AC87.comments@uspto.gov*. Comments also may be submitted by postal mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Boris Milef, Senior PCT Legal Examiner, Office of PCT Legal Administration.

Additionally, comments may be sent by electronic mail message over the Internet via the Federal eRulemaking Portal. *See* the Federal eRulemaking Portal Web site (*http://www.regulations.gov*) for additional instructions on providing comments via the Federal eRulemaking Portal.

Although comments may be submitted by postal mail, the Office prefers to receive comments by electronic mail message over the Internet because the Office may easily share such comments with the public. Electronic comments in plain text format are preferred, but electronic comments in ADOBE® portable document format or MICROSOFT WORD® format may be submitted. Comments not submitted electronically should be submitted on paper in a format that facilitates convenient digital scanning into ADOBE® portable document format.

Written comments will be available for public inspection at the Office of the Commissioner for Patents, currently located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia. Comments also will be available for viewing at *http://www.uspto.gov* and at *http://www.regulations.gov*. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: David Gerk, Office of Policy and International Affairs, by phone 571–272–9300, by email at *David.Gerk@uspto.gov* or by mail addressed to: Mail Stop OPIA, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450, ATTN: David Gerk.

SUPPLEMENTARY INFORMATION: The Office published proposed rules to change the rules of practice to implement Title I of the PLTIA. *See Changes To Implement the Hague Agreement Concerning International Registration of Industrial Designs*, 78 FR 71870 (Nov. 29, 2013). That notice of proposed rulemaking required public comments to be submitted to the Office by January 28, 2014. The Office now extends the comment deadline for the notice of proposed rulemaking to February 4, 2014, in order to provide the public with additional time to submit comments.

Dated: January 11, 2014.

Margaret A. Focarino,

Commissioner for Patents, Performing the functions and duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2014–00729 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2013–0389; FRL–9905–58–Region 4]

Approval and Promulgation of Implementation Plans; South Carolina; Regional Haze State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a revision to the South Carolina State Implementation Plan (SIP) submitted by the State of South Carolina through the South Carolina Department of Health and Environmental Control (SC DHEC) on December 28, 2012. South Carolina's December 28, 2012, SIP revision ("progress report SIP") addresses requirements of the Clean Air Act (CAA or "the Act") and EPA's rules that require states to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the State's existing SIP addressing regional haze ("regional haze SIP"). EPA is proposing approval of South Carolina's progress report SIP on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze.

DATES: Comments must be received on or before February 18, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2013–0389 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-RDS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* EPA–R04–OAR–2013–0389, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Ms. Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Instructions: Direct your comments to Docket ID No. "EPA–R04–OAR–2013–0389." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an

"anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Michele Notarianni, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Michele Notarianni can be reached at telephone number (404) 562–9031 and by electronic mail at *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

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V. Statutory and Executive Order Reviews

I. What is the background for EPA's proposed action?

States are required to submit a progress report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area within the state and in each mandatory Class I Federal area outside the state which may be affected by emissions from within the state. 40 CFR 51.308(g). States are also required to submit, at the same time as the progress report, a determination of the adequacy of the state's existing regional haze SIP. 40 CFR 51.308(h). The first progress report SIP is due five years after submittal of the initial regional haze SIP. On December 17, 2007, SC DHEC submitted the State's first regional haze SIP in accordance with 40 CFR 51.308(b).[1]

On December 28, 2012, SC DHEC submitted, in the form of a revision to South Carolina's SIP, a report on progress made in the first implementation period towards RPGs for Class I areas in the State and Class I areas outside the State that are affected by emissions from South Carolina's sources. This progress report SIP and accompanying cover letter also included a determination that the State's existing regional haze SIP requires no substantive revision to achieve the established regional haze visibility improvement and emissions reduction goals for 2018. EPA is proposing to approve South Carolina's progress report SIP on the basis that it satisfies the requirements of 40 CFR 51.308(g) and 51.308(h).

[1] On June 28, 2012, EPA finalized a limited approval of South Carolina's December 17, 2007, regional haze SIP to address the first implementation period for regional haze (77 FR 38509). In a separate action, published on June 7, 2012 (77 FR 33642), EPA finalized a limited disapproval of the South Carolina regional haze SIP because of the State's reliance on the Clean Air Interstate Rule to meet certain regional haze requirements, which EPA replaced in August 2011 with the Cross-State Air Pollution Rule (CSAPR) (76 FR 48208 (Aug. 8, 2011)). In the aforementioned June 7, 2012, action, EPA finalized a Federal Implementation Plan (FIP) for South Carolina to replace the State's reliance on CAIR with reliance on CSAPR. Following these EPA actions, the DC Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA* (hereinafter referred to as *"EME Homer City"*), 696 F.3d 7 (D.C. Cir. 2012), *cert. granted* 570 U.S. __ (June 24, 2013) (No. 12–1182) vacating CSAPR and keeping CAIR in place pending the promulgation of a valid replacement rule.

II. What are the requirements for the regional haze progress report SIPs and adequacy determinations?

A. Regional Haze Progress Report SIP

Under 40 CFR 51.308(g), states must submit a regional haze progress report as a SIP revision every five years and must address, at a minimum, the seven elements found in 40 CFR 51.308(g). As described in further detail in section III below, 40 CFR 51.308(g) requires a description of the status of measures in the approved regional haze SIP; a summary of emissions reductions achieved; an assessment of visibility conditions for each Class I area in the state; an analysis of changes in emissions from sources and activities within the state; an assessment of any significant changes in anthropogenic emissions within or outside the state that have limited or impeded progress in Class I areas impacted by the state's sources; an assessment of the sufficiency of the approved regional haze SIP; and a review of the state's visibility monitoring strategy.

B. Adequacy Determinations of the Current Regional Haze SIP

Under 40 CFR 51.308(h), states are required to submit, at the same time as the progress report SIP, a determination of the adequacy of their existing regional haze SIP and to take one of four possible actions based on information in the progress report. As described in further detail in section III below, 40 CFR 51.308(h) requires states to either: (1) Submit a negative declaration to EPA that no further substantive revision to the state's existing regional haze SIP is needed; (2) provide notification to EPA (and other state(s) that participated in the regional planning process) if the state determines that its existing regional haze SIP is or may be inadequate to ensure reasonable progress at one or more Class I areas due to emissions from sources in other state(s) that participated in the regional planning process, and collaborate with these other state(s) to develop additional strategies to address deficiencies; (3) provide notification with supporting information to EPA if the state determines that its existing regional haze SIP is or may be inadequate to ensure reasonable progress at one or more Class I areas due to emissions from sources in another country; or (4) revise its regional haze SIP to address deficiencies within one year if the state determines that its existing regional

haze SIP is or may be inadequate to ensure reasonable progress in one or more Class I areas due to emissions from sources within the state.

III. What is EPA's analysis of South Carolina's regional haze progress report and adequacy determination?

On December 28, 2012, SC DHEC submitted a revision to South Carolina's regional haze SIP to address progress made towards RPGs of Class I areas in the State and Class I areas outside the State that are affected by emissions from South Carolina's sources. This progress report SIP also included a determination of the adequacy of the State's existing regional haze SIP. South Carolina has one Class I area within its borders: the Cape Romain Wilderness Area (Cape Romain). SC DHEC also identified, through an area of influence modeling analysis based on back trajectories, five Class I areas in two neighboring states potentially impacted by South Carolina sources: Wolf Island and Okefenokee Wilderness Areas in Georgia; and Joyce Kilmer, Shining Rock, and Swanquarter Wilderness Areas in North Carolina. 77 FR 11911.

A. Regional Haze Progress Report SIPs

The following sections summarize: (1) Each of the seven elements that must be addressed by the progress report under 40 CFR 51.308(g); (2) how South Carolina's progress report SIP addressed each element; and (3) EPA's analysis and proposed determination as to whether the State satisfied each element.

1. 40 CFR 51.308(g)(1)

40 CFR 51.308(g)(1) requires a description of the status of implementation of all measures included in the regional haze SIP for achieving RPGs for Class I areas both within and outside the state.

The State evaluated the status of all measures included in its 2007 regional haze SIP in accordance with 40 CFR 51.308(g)(1). Specifically, in its progress report SIP, South Carolina summarizes the status of the emissions reduction measures that were included in the final iteration of the Visibility Improvement State and Tribal Association of the Southeast (VISTAS) regional haze emissions inventory and RPG modeling. The State also discusses the status of those measures that were not included in the final VISTAS emissions inventory and were not relied upon in the initial regional haze SIP to meet RPGs. The State notes that the emissions reductions from these measures, which are relied upon by South Carolina for reasonable progress, will help ensure Class I areas impacted by South Carolina sources achieve their RPGs. The measures include applicable Federal programs (e.g., mobile source rules, Maximum Achievable Control Technology (MACT) standards, Federal and state consent agreements, and Federal and state control strategies for electric generating units (EGUs)). This summary includes a discussion of the benefits associated with each measure.

In instances where implementation of a measure did not occur on schedule, information is provided on the source category and the measure's relative impact on the overall future year emissions inventories. In aggregate, as noted in section III.A.2 and III.A.6 of this action, the emissions reductions from the identified measures are expected to result in lower emissions than originally projected in South Carolina's regional haze SIP. South Carolina states that it does not expect reasonable progress to be adversely impacted in any of the Class I areas in South Carolina or neighboring states by any of the changes to the emissions reductions projected.

EPA proposes to find that South Carolina's analysis adequately addresses 40 CFR 51.308(g)(1). The State documents the implementation status of measures from its regional haze SIP in addition to describing additional measures not originally accounted for in the final VISTAS emissions inventory used by the State that came into effect since the VISTAS analyses for the regional haze SIP were completed. South Carolina's progress report also describes significant measures resulting from EPA regulations other than the regional haze program as they pertain to the State's sources. The progress report SIP highlights the effect of several Federal control measures both nationally and in the VISTAS region, and when possible, in the State. For example, the SIP provides a copy of the Federal consent decree with Santee Cooper, a South Carolina utility, and summarizes the emissions effects of this decree.[2]

The State's progress report discusses the status of key control measures that the State relied upon in the first implementation period to make reasonable progress. In its regional haze SIP, South Carolina identified sulfur dioxide (SO_2) emissions from coal-fired EGUs as a key contributor to regional haze in the VISTAS region, with the EGU sector as a major contributor to visibility impairment at all Class I areas in the VISTAS region. The State's progress report SIP provides additional information on EGU control strategies and the status of existing and future expected controls for South Carolina's EGUs, with updated actual SO_2 emissions data for the years 2009 and 2011 reflecting reductions of SO_2 in 2009 and 2011. In its regional haze SIP, South Carolina determined that no additional controls of non-EGU sources were reasonable for the first implementation period.

Regarding the status of BART and reasonable progress control requirements for sources in the State, South Carolina's progress report SIP reviews the status of the State's 21 BART-eligible sources, including two sources—SCE&G-Williams and SCE&G-Wateree—found to be subject to BART. The progress report SIP indicates that flue gas desulfurization systems have been installed on these two BART-subject sources and are currently operating. Additionally, South Carolina summarized its reasonable progress control determinations from its regional haze SIP. Because the State found no additional controls to be reasonable for the first implementation period for sources evaluated for reasonable progress in South Carolina, no further discussion of the status of controls was necessary in the progress report SIP.

EPA proposes to conclude that South Carolina has adequately addressed the status of control measures in its regional haze SIP as required by 40 CFR 51.308(g)(1). The State describes the implementation status of measures from its regional haze SIP, including the status of control measures to meet BART and reasonable progress requirements, the status of significant measures resulting from EPA regulations and certain Federally-enforceable consent decrees, as well as measures that came into effect since the VISTAS analyses for the regional haze SIP were completed.

2. 40 CFR 51.308(g)(2)

40 CFR 51.308(g)(2) requires a summary of the emissions reductions achieved in the state through the measures subject to 40 CFR 51.308(g)(1).

In its regional haze SIP and progress report SIP, South Carolina focuses its assessment on SO_2 emissions from EGUs because VISTAS determined that sulfate accounted for more than 70 percent of the visibility-impairing pollution in the Southeast and that SO_2 point source emissions in 2018

[2] The consent decree required a reduction of 37,500 tpy of SO_2 from existing units by 2013, declining SO_2 emissions caps, and declining "system" SO_2 emissions rates.

represent more than 95 percent of the total SO_2 emissions inventory.[3]

Overall, SO_2 emissions have decreased in South Carolina.[4] South Carolina states that the large reductions in SO_2 emissions from EGUs in the State resulted from many process and operational changes, including control installations, emissions units switching to cleaner fuels, load shifting from higher emitting units to lower emitting units, and a temporary decrease in power generation in 2009. Using utility emissions data from 2002 through 2011 as reported to EPA by the utilities, South Carolina indicates that reductions in SO_2 emissions appear to be sustained through 2011, and notes that reductions in these emissions were achieved in 2010 and 2011, despite increased electricity generation by these EGUs between 2002 and 2011.

Between 2002 and 2011, heat input to these EGUs increased from approximately 418,577,515 million British thermal units (MMBtu) to 443,900,798 MMBtu. However, actual SO_2 emissions from these units decreased from 199,118 tons in 2002 to 66,166 tons in 2011, a 67 percent reduction. The average SO_2 emissions rate from these units also decreased from 0.95 lbs SO_2/MMBtu in 2002 to 0.30 lbs SO_2/MMBtu in 2011, a 69 percent reduction. According to the State, the reductions in emissions demonstrate that even with an increase in demand for power, as evidenced by the increased heat input to these units, a significant reduction in overall SO_2 emissions occurred due to the installation of controls and the use of cleaner burning fuels.

South Carolina states that a comparison of 2009 and 2011 data for these EGUs shows similar results. Emissions fell from 93,941 tons of SO_2 in 2009 to 66,166 tons of SO_2 in 2011, and the emissions rate dropped from 0.46 lbs SO_2/MMBtu to 0.30 lbs SO_2/MMBtu. The State expects that the overall EGU emissions rate will continue to drop in 2012 due to the start-up of additional scrubbing capacity and fuel switching.

South Carolina also identifies specific additional EGU SO_2 emissions reductions not included in the VISTAS projections that are due to the installation of additional SO_2 controls, planned or announced retirements, and conversion to natural gas. These additional reductions (estimated to be 60,065 tons per year of SO_2 emissions based on 2011 emissions) will further help to ensure that Cape Romain will achieve its RPGs for visibility improvement by 2018.

South Carolina also submitted data for the entire VISTAS region showing similar trends in SO_2 EGU emissions in the neighboring states that contribute to visibility impairment at Cape Romain. Because sulfates have been shown to be the predominant species of concern to visibility impairment at Cape Romain during the first round of regional haze planning and because SO_2 EGU emissions are trending downward, South Carolina concludes in its progress report that visibility improvements at Cape Romain should continue into the future from the reduced sulfate contribution even if heat input to these EGUs may increase.

EPA proposes to conclude that South Carolina has adequately addressed 40 CFR 51.308(g)(2). The State provides estimates, and where available, actual emissions reductions of SO_2 from EGUs in South Carolina that have occurred since the State submitted its regional haze SIP. The State appropriately focused on SO_2 emissions from its EGUs in its progress report SIP because the State had previously identified these emissions as the most significant contributors to visibility impairment at Cape Romain and those areas that South Carolina sources impact. Given the large SO_2 reductions at EGUs that have actually occurred, further analysis of SO_2 from other sources or other pollutants, such as nitrogen oxides (NO_X), was ultimately unnecessary in this first implementation period. Also, in the corresponding section of the progress report SIP addressing 40 CFR 51.308(g)(1), the State provides estimates, and where available, actual emissions reductions for certain non-EGU control measures that were accounted for in the projected VISTAS emissions inventories for 2009 and 2018. Because no additional controls were found to be reasonable for reasonable progress for the first implementation period for evaluated sources in South Carolina, EPA proposes to find that no further discussion of emissions reductions from controls was necessary in the progress report SIP.

3. 40 CFR 51.308(g)(3)

40 CFR 51.308(g)(3) requires that states with Class I areas provide the following information for the most impaired and least impaired days for each area, with values expressed in terms of five-year averages of these annual values: [5]

(i) Current visibility conditions;

(ii) the difference between current visibility conditions and baseline visibility conditions; and

(iii) the change in visibility impairment over the past five years.

The State provides figures with the latest supporting data available at the time that it developed the progress report SIP that address the three requirements of 40 CFR 51.308(g)(3) for Cape Romain. For the first regional haze SIPs, "baseline" conditions were represented by the 2000–2004 time period.[6] Baseline visibility conditions at Cape Romain are 26.5 deciviews (dv) for the most impaired (20-percent worst) days and 14.3 dv for the least impaired (20-percent best) days. Current visibility conditions (for the five-year period from 2005–2009) are 26.4 dv for the 20-percent worst days and 15.0 dv for the 20-percent best days. The difference between current visibility and baseline visibility conditions for the 20-percent worst days is 0.1 dv of improvement (i.e., 26.5 − 26.4 dv). The difference between current visibility and baseline visibility conditions for the 20-percent best days is 0.7 dv of degradation (i.e., 14.3 − 15.0 dv). South Carolina concludes that visibility on the most impaired days at Cape Romain has improved since 2000 and that visibility conditions for the most impaired days are on track to meet the 2018 RPGs for the affected time period, particularly in light of the downward trend in SO_2 emissions from the State's EGUs.

EPA proposes to conclude that South Carolina has adequately addressed 40 CFR 51.308(g)(3). The State provides the information regarding visibility conditions and changes necessary to meet the requirements of 40 CFR 51.308(g)(3). The progress report SIP includes current conditions based on the latest available Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring data for the years 2005–2009, the difference between current visibility conditions and baseline visibility conditions, and the change in visibility impairment over the most recent five-year period for which data were available at the time of progress report SIP development (i.e., 2005–2009).

[3] See section 7.7 of South Carolina's regional haze SIP narrative, page 79, for more detail.

[4] See also sections III.A.4 and III.A.6 of this action.

[5] The "most impaired days" and "least impaired days" in the regional haze rule refers to the average visibility impairment (measured in deciviews) for the twenty percent of monitored days in a calendar year with the highest and lowest amount of visibility impairment, respectively, averaged over a five-year period. 40 CFR 51.301.

[6] 64 FR 35730.

4. 40 CFR 51.308(g)(4)

40 CFR 51.308(g)(4) requires an analysis tracking emissions changes of visibility-impairing pollutants from the state's sources by type or category over the past five years based on the most recent updated emissions inventory.

In its progress report SIP, South Carolina presents data from a statewide emissions inventory developed for the year 2007 and compares this data to three sets of data from its initial regional haze SIP: a baseline emissions inventory for 2002 and estimated emissions inventories for the future years of 2009 and 2018 (as updated and provided by VISTAS to the State in 2008).[7] The pollutants inventoried include volatile organic compounds, NOx, fine particulate matter, coarse particulate matter, ammonia, and SO_2. The emissions inventories include the following source classifications: stationary point and area sources, off-road and on-road mobile sources, and biogenic sources. The comparison of emissions inventory data shows that emissions of the key visibility-impairing pollutant for the southeast, SO_2, continued to drop from 2002 to 2007 (from 284,935 to 228,053 tons of SO_2).

In addition, South Carolina augments the statewide 2007 actual emissions inventory data with more recent emissions data and control summary information for the years 2007 to 2011 for the EGU sector, which is the key source of SO_2 in the State. As discussed in section III.A.2 of this action, South Carolina documents changes in EGU emissions that already have occurred and changes to future emissions projections that are expected by 2018. South Carolina expects the overall EGU SO_2 emissions to continue to drop beyond the reductions projected in the State's regional haze SIP due to the installation of additional SO_2 emissions controls at EGUs and additional fuel switches not previously projected. As noted in section III.A.2 of this action, South Carolina expects the overall EGU SO_2 emissions to continue to drop beyond the reductions projected in the State's regional haze SIP due to the installation of additional SO_2 emissions controls at EGUs and additional fuel switches not previously projected.

EPA proposes to conclude that South Carolina has adequately addressed 40 CFR 51.308(g)(4). While ideally the five-year period to be analyzed for emissions inventory changes is the time period since the current regional haze SIP was submitted, there is an inevitable time lag in developing and reporting complete emissions inventories once quality-assured emissions data becomes available. Therefore, EPA believes that there is some flexibility in the five-year time period that states can select. South Carolina tracked changes in emissions of visibility-impairing pollutants using an updated emissions inventory for 2007 that the State believes is more robust than the 2008 National Emissions Inventory pertaining to the State, the most recent updated inventory of actual emissions for the State at the time that it developed the progress report SIP. EPA believes that the State's use of the five-year period from 2002–2007 understates the actual reductions because substantial additional SO_2 emissions reductions are expected to occur from 2007–2012. South Carolina also analyzed trends in annual SO_2 emissions from EGUs in the State for 2002–2011, the most current quality-assured data available for these units at the time of progress report SIP development (see, e.g., Figure 3 and Table 9 of the progress report SIP).

5. 40 CFR 51.308(g)(5)

40 CFR 51.308(g)(5) requires an assessment of any significant changes in anthropogenic emissions within or outside the state that have occurred over the past five years that have limited or impeded progress in reducing pollutant emissions and improving visibility in Class I areas impacted by the state's sources.

In its progress report SIP, South Carolina states that sulfates continue to be the biggest single contributor to regional haze at Cape Romain. Accordingly, South Carolina first focused its analysis on addressing large SO_2 emissions from point sources. While there have been significant changes in the anthropogenic emissions from EGUs, South Carolina stated that these changes have not impeded progress in reducing emissions and improving visibility. Rather, the State concluded that the EGU controls already adopted or planned, coupled with planned shut downs or fuel conversions, will result in greater improvements in visibility than those originally projected in South Carolina's regional haze SIP for the first implementation period.

In addressing the requirements at 40 CFR 51.308(g)(5), South Carolina further examined other potential pollutants of concern affecting visibility at Cape Romain. After ammonium sulfate (64.1 percent), primary organic matter (POM) (14.4 percent) is the next largest contributor to visibility impairment at Cape Romain. To further examine spikes in POM monitoring data, the State conducted an analysis to determine potential contributors. This analysis indicated that fires reported within and/or outside the State appear to have contributed to visibility impairment on days exhibiting uncharacteristically high levels of POM.

EPA proposes to conclude that South Carolina has adequately addressed 40 CFR 51.308(g)(5). The State performed additional analyses to confirm its decision to focus on SO_2 emissions for reasonable progress for the remainder of the implementation period and demonstrated that there are no significant changes in anthropogenic emissions of SO_2 that have impeded progress in reducing emissions and improving visibility in Class I areas impacted by South Carolina sources. The State referenced its analyses in the progress report SIP identifying an overall downward trend in these emissions from 2002 to 2011. Further, the progress report SIP shows that the State is on track to meeting its 2018 RPGs for Cape Romain.

6. 40 CFR 51.308(g)(6)

40 CFR 51.308(g)(6) requires an assessment of whether the current regional haze SIP is sufficient to enable the state, or other states, to meet the RPGs for Class I areas affected by emissions from the state.

In its progress report SIP, South Carolina states that it believes that the elements and strategies outlined in its original regional haze SIP are sufficient to enable South Carolina and other neighboring states to meet all the established RPGs. To support this conclusion, South Carolina notes that the actual 2011 EGU emissions of 66,131 tons of SO_2 are already below the 2018 projected emissions of 76,291 tons of SO_2, with further decreases expected. South Carolina expects that the reduction of SO_2 emissions will in fact be even greater than originally anticipated in its regional haze SIP, particularly for the EGU sector as discussed in section III.A.6. of this action. In particular, the State notes that the emissions reductions already achieved in the 2007 to 2011 period and the additional reductions not accounted for in the original regional haze SIP (as discussed previously for purposes of 40 CFR 51.308(g)(1)) further support the State's conclusion that the regional haze SIP's elements and strategies are sufficient to meet the established RPGs.

[7] VISTAS improved model performance for the 2002 base year emissions inventory used by South Carolina in its original regional haze SIP, resulting in updates to the 2002 inventory and the 2009 and 2018 projection inventories. VISTAS provided the final iteration of these inventories to the states in 2008. South Carolina used these updated data for the years 2002, 2009, and 2018 in its progress report.

In its regional haze SIP, South Carolina established a RPG for the 20-percent best days that would result in a 1.4 deciview reduction in visibility impairment to 12.7 dv. After South Carolina submitted its regional haze SIP on December 17, 2007, VISTAS made several modifications to the original emissions inventory to improve model performance and reassess the RPGs for the VISTAS states. The final model simulation of the updated/revised VISTAS emissions inventory results in a slight change in the calculation of the Cape Romain RPG for the 20-percent best days from 12.7 to 12.8 dv. South Carolina requests that EPA acknowledge this update to the RPG as a revision to the State's regional haze SIP. EPA proposes to approve this revised RPG for the 20-percent best days for Cape Romain because it reflects the updated VISTAS baseline inventory used to generate the RPGs incorporated into the regional haze SIPs for the other VISTAS states.

EPA proposes to conclude that South Carolina has adequately addressed 40 CFR 51.308(g)(6). EPA views this requirement as a qualitative assessment that should evaluate emissions and visibility trends and other readily available information, including expected emissions reductions associated with measures with compliance dates that have not yet become effective. The State referenced the improving visibility trends and the downward emissions trends in the State, with a focus on SO_2 emissions from South Carolina EGUs, that support the State's determination that the State's regional haze SIP is sufficient to meet RPGs for Class I areas within and outside the State impacted by South Carolina sources. In addition, because additional IMPROVE visibility data has become available since the State developed its progress report SIP, EPA has also reviewed the most current data for Cape Romain for the years 2007–2011 from the IMPROVE monitoring network.[8] For the 2007–2011 time period, the visibility conditions for the 20-percent worst days are 24.6 dv and for the 20-percent best days are 14.1 dv. Using this latest available data, the visibility improvement from the baseline conditions is 1.9 dv for the 2007–2011 period on the 20-percent worst days and 0.2 dv on the 20-percent best days. Despite the degradation of 0.7 dv on the 20-percent best days at Cape Romain over the 2005–2009 period, identified in Section III.A.3 of this action, EPA believes that South Carolina's conclusion regarding the sufficiency of the regional haze SIP is appropriate because of the calculated visibility improvement using the latest available data and the downward trend in SO_2 emissions from EGUs in the State.

7. 40 CFR 51.308(g)(7)

40 CFR 51.308(g)(7) requires a review of the state's visibility monitoring strategy and an assessment of whether any modifications to the monitoring strategy are necessary. In its progress report SIP, South Carolina summarizes the existing monitoring network at Cape Romain and the State's intended continued reliance on the IMPROVE monitoring network for its visibility planning. South Carolina also expresses its continued commitment to operate monitors supporting regional haze investigations where appropriate and when support is available. South Carolina is also encouraging VISTAS and the other regional planning organizations to maintain support of the existing data management system or an equivalent to facilitate availability analysis of the IMPROVE and visibility-related data. South Carolina concludes that the existing network is adequate and that no modifications to the State's visibility monitoring strategy are necessary at this time.

EPA proposes to conclude that South Carolina has adequately addressed the sufficiency of its monitoring strategy as required by 40 CFR 51.308(g)(7). The State reaffirmed its continued reliance upon the IMPROVE monitoring network and discussed its additional continuous sulfate monitors and fine particulate matter network used to further understand visibility trends in the State. South Carolina also explained the importance of the IMPROVE monitoring network for tracking visibility trends at Cape Romain and identified no expected changes in this network. The State did note that certain special monitoring studies that VISTAS performed in South Carolina during 2002–2005 will not be continued due to lack of funds; however, the discontinuance of these additional, specialized studies do not affect the adequacy of the State's current monitoring strategy.

B. Determination of Adequacy of Existing Regional Haze Plan

Under 40 CFR 51.308(h), states are required to take one of four possible actions based on the information gathered and conclusions made in the progress report SIP. The following section summarizes: (1) The action taken by South Carolina under 40 CFR 51.308(h); (2) South Carolina's rationale for the selected action; and (3) EPA's analysis and proposed determination regarding the State's action.

In its progress report SIP, South Carolina took the action provided for by 40 CFR 51.308(h)(1), which allows a state to submit a negative declaration to EPA if the state determines that the existing regional haze SIP requires no further substantive revision at this time to achieve the RPGs for Class I areas affected by the state's sources. The basis for the State's negative declaration is the findings from the progress report (as discussed in section III.A of this action), including the findings that: Visibility has improved at Cape Romain; SO_2 emissions from the State's sources have decreased beyond original projections; additional EGU control measures not relied upon in the State's regional haze SIP have occurred or will occur in the implementation period; and the SO_2 emissions from EGUs in South Carolina are already below the levels projected for 2018 in the regional haze SIP and are expected to continue to trend downward for the next five years, as will the SO_2 emissions from EGUs in the other VISTAS states. Based on these findings, EPA proposes to agree with South Carolina's conclusion under 40 CFR 51.308(h) that no further substantive changes to its regional haze SIP are required at this time.

IV. What action is EPA proposing to take?

EPA is proposing approval of a revision to the South Carolina SIP, submitted by the State of South Carolina on December 28, 2012, as meeting the applicable regional haze requirements as set forth in 40 CFR 51.308(g) and 51.308(h).

V. Statutory and Executive Order Reviews

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

[8] This data is available at: *http://vista.cira.colostate.edu/tss/Results/HazePlanning.aspx.*

- 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 FR43255, 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, EPA has preliminarily determined that this proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because there are no "substantial direct effects" on an Indian Tribe as a result of this action and because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it has preliminarily determined that it will not impose substantial direct costs on tribal governments or preempt tribal law. The Catawba Indian Nation and Reservation (Catawba Indian Nation) is located in Rock Hill, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, "all state and local environmental laws and regulations apply to the Catawba Indian Nation and Reservation and are fully enforceable by all relevant state and local agencies and authorities." Thus, the South Carolina SIP applies to the Catawba Reservation. On May 15, 2013, EPA offered consultation on South Carolina's progress report SIP to the Catawba Indian Nation and that same day, the Catawba Indian Nation declined formal consultation on South Carolina's progress report SIP.

List of Subjects in 40 CFR Part 52

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

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

Dated: January 7, 2014.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 2014–00940 Filed 1–16–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 543

[Docket No. NHTSA–2014–0007]

RIN 2127–AL08

Exemption From Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In this rulemaking action, NHTSA proposes to amend its procedures for obtaining an exemption from the vehicle theft prevention standard for vehicles equipped with immobilizers. NHTSA proposes to simplify the exemption procedure for immobilizer-equipped vehicles by adding performance criteria for immobilizers. The adoption of the proposed performance criteria for immobilizers would have the effect of bringing the U.S. anti-theft requirements more into line with those of Canada. This harmonization of U.S. and Canadian requirements is being undertaken pursuant to ongoing bilateral regulatory cooperation efforts.

DATES: Comments to this proposal must be received on or before March 18, 2014. In compliance with the Paperwork Reduction Act, NHTSA is also seeking comment on amendments to an information collection. See the Paperwork Reduction Act section under Rulemaking Analyses and Notices below. Please submit all comments relating to the information collection requirements to NHTSA and to the Office of Management and Budget (OMB) at the address listed in the **ADDRESSES** section on or before March 18, 2014. Comments to OMB are most useful if submitted within 30 days of publication.

ADDRESSES: You may submit comments, identified by the docket number in the heading of this document, by any of the following methods:

- *Federal eRulemaking Portal*: Go to *http://www.regulations.gov*. Follow the instructions for submitting comments on the electronic docket site by clicking on "Help" or "FAQ."
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Regardless of how you submit comments, you should mention the docket number of this document.

You may call the Docket Management Facility at 202–366–9826.

Comments regarding the proposed information collection should be submitted to NHTSA through one of the preceding methods and a copy should also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: NHTSA Desk Officer.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Hisham Mohamed,

Office of Consumer Programs, NHTSA, 1200 New Jersey Avenue SE., West Building, Washington, DC 20590 (Telephone: (202) 366–0098) (Fax: (202) 366–7002). For legal issues: Mr. Thomas Healy, Office of the Chief Counsel, NHTSA, 1200 New Jersey Avenue SE., West Building, Washington, DC 20590 (Telephone: (202) 366–2992) (Fax: (202) 366–3820).

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I. Executive Summary

This rulemaking action proposes to amend 49 CFR Part 543, *Exemption from Vehicle Theft Prevention Standard,* by adding performance criteria for immobilizers. The agency has granted many exemptions from the theft prevention standard to vehicle lines on the basis that they were equipped with immobilizers. In support of petitions for these exemptions, manufacturers have provided a substantial amount of data seeking to demonstrate the effectiveness of immobilizers in reducing motor vehicle theft.

The proposed criteria, which roughly correlate with the types of qualities for which petitioners have been submitting testing and technical design details under existing procedures, closely follow the immobilizer performance requirements in the anti-theft standard of Canada. For those performance requirements, the Canadian standard also sets forth tests that manufacturers of vehicles to be sold in Canada must certify to Canadian authorities that they have conducted.

Adopting the proposed performance criteria would simplify the exemption process for manufacturers who installed immobilizers meeting those criteria. Currently, in their petitions for exemption, vehicle manufacturers describe the testing that they have conducted on the immobilizer device and aspects of design of the immobilizer that address the areas of performance which the agency has determined are important to gauge the effectiveness of the immobilizer in reducing and deterring motor vehicle theft. Adding performance criteria for immobilizers as another means of qualifying for an exemption from the theft prevention standard will allow manufacturers that are installing immobilizers as standard equipment for a line of motor vehicles in compliance with Canadian theft prevention standards to more easily gain an exemption. This proposal would reduce the amount of material that manufacturers would need to submit to obtain an exemption because manufacturers would only be required to indicate that the immobilizer met the proposed performance criteria, was certified to the Canadian standard and was durable and reliable in addition to the statutorily required information to be eligible for an exemption.

The adoption of the proposed performance criteria for immobilizers would have the effect of bringing the U.S. anti-theft requirements more into line with those of Canada. This harmonization of U.S. and Canadian requirements is being undertaken pursuant to ongoing bilateral regulatory cooperation efforts.

We are proposing to retain the current criteria for gaining an exemption from the vehicle theft prevention standard. Therefore, manufacturers would still be able to petition the agency to install other anti-theft devices as standard equipment in a vehicle line to obtain an exemption from the theft prevention standard. While NHTSA has granted many petitions for exemption from the theft prevention standard for vehicle lines equipped with an immobilizer type anti-theft device, we note that a manufacturer is not required to install an immobilizer in order to gain an exemption. We note also that this proposal would not increase the number of exemptions from the theft prevention standard available to a manufacturer.

II. Background

The Motor Vehicle Theft Law Enforcement Act (the Theft Act), 49 U.S.C. 33101 et seq., directs NHTSA [1] to establish theft prevention standards for light duty trucks and multipurpose passenger vehicles (MPVs) with a gross vehicle weight rating (GVWR) of 6,000 pounds (lb) or less and passenger cars. The Theft Act also allows NHTSA to exempt one vehicle line per model year per manufacturer from the theft prevention standard if the vehicle is equipped with an anti-theft device that the agency "decides is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the [theft prevention] standard." 49 U.S.C. 33106(b). The statute states than in order to obtain an exemption, manufacturers must file a petition that describes the anti-theft device in detail, states the reason that the manufacturer believes that the device will be effective in reducing or deterring theft, and contains additional information that NHTSA determines is necessary to decide whether the anti-theft device "is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the [theft prevention] standard." *Id.*

Pursuant to the Theft Act, NHTSA issued 49 CFR Part 541, *Federal Motor Vehicle Theft Prevention Standard,* which requires manufacturers of vehicles identified by the agency as likely high-theft car lines to inscribe or affix vehicle identification numbers (VINs) or symbols on certain components of new vehicles and replacement parts. The agency refers to this requirement as the parts marking requirement. Part 541 requires the following major parts to be marked: The engine, the transmission, the hood, the right and left front fenders, the right and left front doors, the right and left rear door (four-door models), the sliding or cargo doors, the decklid, tailgate or hatchback (whichever is present), the front and rear bumpers, and the right and left quarter panels. The right and left side assemblies must be marked on MPVs and the cargo box must be marked on light duty trucks.

NHTSA promulgated Part 543 to establish the process for submitting petitions for exemption from the parts marking requirements in the theft prevention standard. A manufacturer may petition the agency for an exemption from the parts marking requirements for one vehicle line per model year if the manufacturer installs an anti-theft device as standard equipment on the entire line. In order to be eligible for an exemption, Part 543 requires manufacturers to submit a petition explaining how the anti-theft device will promote activation, attract attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key, prevent defeat or circumvention of the device by unauthorized persons, prevent operation of the vehicle by unauthorized entrants, and ensure the reliability and durability of the device. Based on the materials in the petition, NHTSA decides whether to grant the petition in whole or in part or to deny it.

Under existing Part 543, manufacturers choose how they wish to demonstrate to the agency that the anti-theft device they are installing in a

[1] The Secretary of Transportation's responsibilities under the Theft Act have been delegated to NHTSA pursuant to 49 CFR 1.95.

vehicle line meets the factors listed in § 543.6. Manufacturers provide differing levels of detail in their exemption petitions. Manufacturers typically provide engineering diagrams of the immobilizer device, a description of how the device functions, and testing to show that the device is durable and reliable in their petitions for exemption. Manufacturers also describe how the design of the immobilizer satisfies the factors listed in § 543.6.

III. Effectiveness of Immobilizers in Reducing or Deterring Theft

More than 700,000 motor vehicle thefts took place in the U.S. in 2011, causing a loss of mobility and economic hardship to those affected.[2] The Federal Bureau of Investigation's (FBI) 2011 Uniform Crime Report (UCR) reveals that, in the U.S., vehicle theft remains the nation's number one property crime.[3] The estimated value of motor vehicles stolen in 2011 was $4.3 billion averaging $6,089 per stolen vehicle.[4] Although the estimated number of motor vehicle thefts declined 3.3 percent from 2010, 35.0 percent from 2007, and 42.6 percent from 2002, vehicle theft remains an ongoing problem in the U.S.

An immobilizer is a type of anti-theft device based on microchip and transponder technology and combined with engine and fuel immobilizer components. When activated, an immobilizer device disables the vehicle's electrical or fuel systems at several points and prevents the vehicle from starting unless the correct code is received by the transponder.

NHTSA is aware of several sources of information demonstrating the effectiveness of immobilizer devices in reducing motor vehicle theft. In the 1980s, General Motors Corporation (GM) used an early generation of microchip devices, which later developed into the rolling code transponder device, which is currently installed in GM as well as many other vehicles. According to the Highway Loss Data Institute (HLDI), immobilizer devices are up to 50 percent effective in reducing vehicle theft.[5] The September 1997 Theft Loss Bulletin from the HLDI reported an overall theft decrease of approximately 50 percent for both the Ford Mustang and Taurus lines upon installation of an immobilizer device. Ford Motor Company claimed that its MY 1997 Mustang vehicle line (with an immobilizer) led to a 70 percent reduction in theft compared to its MY 1995 Mustang (without an immobilizer).[6] Chrysler Corporation informed the agency that the inclusion of an immobilizer device as standard equipment on the MY 1999 Jeep Grand Cherokee resulted in a 52 percent net average reduction in vehicle thefts.[7]

Mitsubishi Motors Corporation informed the agency that the theft rate for its MY 2000 Eclipse vehicle line (with an immobilizer device) was almost 42 percent lower than that of its MY 1999 Eclipse (without a immobilizer device).[8] Mazda Motor Corporation reported that a comparison of theft loss data showed an average theft reduction of approximately 50 percent after an immobilizer device was installed as standard equipment in a vehicle line.[9] In general, the agency has granted many petitions for exemptions for installation of immobilization-type devices. Manufacturers have provided the agency with a substantial amount of information attesting to the reduction of thefts for vehicle lines resulting from the installation of immobilization devices as standard equipment on those lines.

IV. U.S.-Canada Regulatory Cooperation Council

On February 4, 2011, the U.S. and the Canadian governments created a United States–Canada Regulatory Cooperation Council (RCC), composed of senior regulatory, trade and foreign affairs officials from both governments. In recognition of the two countries' $1 trillion annual trade and investment relationship, the RCC is working together to promote economic growth, job creation and benefits to consumers and businesses through increased regulatory transparency and coordination.[10]

The RCC has stated that regulatory cooperation can spur economic growth in each country; fuel job creation; lower costs for consumers, producers, and governments; and particularly help small and medium-sized businesses. The U.S. and Canada intend to eliminate unnecessary burdens on cross-border trade, reduce costs, foster cross-border investment and promote certainty for businesses and the public by coordinating, simplifying and ensuring the compatibility of regulations, where feasible.

The RCC has further stated that while the U.S. and Canadian regulatory systems are very similar in the objectives they seek to achieve, there is value in enhancing the mechanisms in place to foster cooperation in designing regulations or to ensure alignment in their implementation or enforcement. Unnecessary regulatory differences and duplicative actions hinder cross-border trade and investment and ultimately impose a cost on our citizens, businesses and economies. Given the integrated nature of the two countries' economies, greater alignment and better mutual reliance in regulatory approaches would lead to lower costs for consumers and businesses, create more efficient supply chains, increase trade and investment, generate new export opportunities and create jobs on both sides of the border.

On December 7, 2011, the RCC established an initial Joint Action Plan that identified 29 initiatives where the U.S. and Canada will seek greater alignment in their regulatory approaches. The Joint Action Plan highlights the areas and initiatives which were identified for initial focus. These areas include agriculture and food, transportation, health and personal care products and workplace chemicals, environment and cross-sectoral issues. One of the topics for regulatory cooperation identified in the transportation area is to pursue greater harmonization of existing motor vehicle standards. Theft prevention is one of the harmonization opportunities identified by the Motor Vehicles Working Group.

V. Canadian Motor Vehicle Safety Standard No. 114

In addition to the theft and rollaway prevention requirements included in the U.S. version of the standard, CMVSS No. 114 requires the installation of an immobilization system for all new passenger vehicles, MPVs and trucks certified to the standard with a gross vehicle weight rating (GVWR) of 4,536 kg or less with some exceptions. CMVSS No. 114 contains four different sets of requirements for immobilizers. The four sets of requirements are National Standard of Canada CAN/ULC–S338–98, *Automobile Theft Deterrent Equipment and Systems: Electronic Immobilization;* United Nations

[2] *http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/property-crime/motor-vehicle-theft.* (as seen on September 28, 2012).

[3] The UCR—data compiled from monthly law enforcement reports or individual crime incident records transmitted directly to the FBI or to centralized agencies that then report to the FBI.

[4] Nearly 73 percent of all motor vehicles reported stolen in 2010 were passenger cars. *http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/property-crime/motor-vehicle-theft.*

[5] See *http://www.iihs.org/news/2000/hldi_news_071900.pdf.*

[6] 77 FR 1974, Thursday, January 12, 2012.

[7] 76 FR 68262, Thursday, November 3, 2011.

[8] 77 FR 20486, Wednesday, April 4, 2012.

[9] 76 FR 41558, Thursday, July 14, 2011.

[10] *http://www.whitehouse.gov/sites/default/files/omb/oira/irc/us-canada_rcc_joint_action_plan.pdf.*

Economic Commission for Europe (UN/ECE) Regulation No. 97 (ECE R97), *Uniform Provisions Concerning Approval of Vehicle Alarm System (VAS) and Motor Vehicles With Regard to Their Alarm System (AS);* UN/ECE Regulation No. 116 (ECE R116), *Uniform Technical Prescriptions Concerning the Protection of Motor Vehicles Against Unauthorized Use;* and a set of requirements derived from the CAN/ULC 338–98 standard and ECE R97 developed by Transport Canada to increase manufacturer design flexibility. Vehicles certified to CMVSS No. 114 must be equipped with an immobilizer meeting one of these four sets of requirements. Used motor vehicles imported into Canada must also be equipped with immobilizers meeting CMVSS No. 114. This requirement makes it more difficult to import motor vehicles manufactured in the U.S. that are not equipped with an immobilizer meeting CMVSS No. 114 into Canada. In such cases, an immobilizer that complies with CMVSS No. 114 must be added to the vehicle before it can be imported into Canada.

CAN/ULC–S338–98 contains design specifications, activation and deactivation requirements, durability tests, and tests to assess the resistance to physical attack for immobilizers. ECE R97 and ECE R116 contain design specifications, activation and deactivation requirements, durability tests, and tests to assess the resistance to physical attack for immobilizers similar to those contained in CAN/ULC–S338–98. The fourth set of requirements for immobilizers in CMVSS No. 114 contains design specifications, activation and deactivation requirements, and requirements testing the ability of the immobilizer to resist deactivation by physical attack derived from the other standards. The fourth set of requirements, however, does not include the environmental tests and durability requirements which are included in CAN/ULC–S338–98, ECE R97 and ECE R116.

In adopting the fourth set of performance requirements for immobilizers contained in CMVSS No. 114, Transport Canada stated that some of the environmental and durability requirements for immobilizers contained in CAN/ULC–S338–98, ECE R97, and ECE R116 were developed for aftermarket immobilizers and should not be applied to immobilizers that are installed as original equipment on a vehicle.[11] Transport Canada also stated that those three standards contained requirements specific to particular immobilizer designs, had the potential to restrict the design of immobilizers, and had the potential to prevent the introduction of new and emerging technologies such as keyless vehicle technologies, key-replacement technologies and remote starting systems. Transport Canada stated that for these reasons it established a set of performance requirements without the environmental and durability requirements contained in CAN/ULC–S338–98, ECE R97, and ECE R116.

VI. Agency Proposal

The agency is proposing to include performance criteria for immobilizers in Part 543 so that manufacturers may more easily apply for exemptions from the parts marking requirements for vehicles lines with immobilizers conforming to CMVSS No. 114. The agency is planning to add performance criteria to Part 543 to make our theft prevention standards more in line with those of Canada. In order to be eligible for an exemption under this proposal manufacturers would be required to state that the immobilizer device they are installing in the vehicle line meets the proposed performance criteria, has been certified to the Canadian standard and is durable and reliable.

The agency believes that adding performance criteria from CMVSS No. 114 to Part 543 is the simplest way to make our anti-theft regulations more in line with that standard and to reduce the burden to manufacturers, who are already installing immobilizers in compliance with that standard, of applying for an exemption from the parts marking requirements. The agency could not add performance requirements for immobilizers as part of Federal Motor Vehicle Safety Standard (FMVSS) No. 114, *Theft Protection and Rollaway Prevention,* since doing so would require a determination that the additional requirements would be consistent with the National Traffic and Motor Vehicle Safety Act (Motor Vehicle Safety Act).[12] Further, the agency is unable to issue a theft prevention standard under the Theft Act to require the installation of immobilizers because that Act limits the agency's standard setting authority to issuing standards that require parts marking.[13] Manufacturers are allowed to install immobilizers in lieu of parts marking, but under an exemption from the theft standard, not as a compliance alternative included in the theft standard.

Currently, NHTSA has not formally or informally adopted any technical performance criteria for anti-theft devices. While NHTSA has granted many petitions for exemption from the parts marking requirements for vehicle lines equipped with an immobilizer type anti-theft device, a manufacturer is not required to install an immobilizer in order to gain an exemption. The agency is planning to retain the current exemption process so that manufacturers would still be able to gain an exemption for installing anti-theft devices that do not conform to the proposed performance criteria for immobilizers. The number of exemptions available to manufacturers would not increase as a result of this proposal. Thus, manufacturers will continue to be eligible for an exemption from the parts marking requirements for only one vehicle line per model year.

The agency has tentatively decided to propose only the fourth set of performance criteria for immobilizers contained in CMVSS No. 114 for inclusion in Part 543. The agency is proposing to adopt only this one set of performance criteria because of the factors articulated by Transport Canada discussed above. Furthermore, the agency has tentatively concluded that adopting only this one set of performance criteria is the simplest way to harmonize anti-theft regulations between the U.S. and Canada. The agency does note that, should this proposal be made final, vehicles equipped with immobilizers meeting the performance criteria in CAN/ULC–S338–98, ECE R97, or ECE R116 would still be able to obtain an exemption from the theft prevention standard via a petition filed under the current exemption procedures. We seek comment on whether adding the performance criteria in CAN/ULC–S338–98, ECE R97 and ECE R116 to Part 543 in addition to the performance criteria proposed below would better accomplish the agency's goal of harmonizing the process for obtaining an exemption with the Canadian theft prevention standard. We also seek comment on the number of manufacturers that are complying with CMVSS No. 114 by installing immobilizers that conform to the requirements in CAN/ULC–S338–98, ECE R97 or ECE R116 in their vehicles.

The agency has tentatively concluded that immobilizers meeting the proposed performance criteria are likely to be as

[11] See SOR/2007–246 November, 2007 "Regulations Amending the Motor Vehicle Safety Regulations (Theft Protection and Rollaway Prevention—Standard 114)" 2007–11–14 Canada Gazette Part II, Vol. 141, No. 23.

[12] 49 U.S.C. 30101 et seq.

[13] *See* 49 U.S.C. 33101(11) (defining "vehicle theft prevention standard" as a performance standard for identifying major vehicle parts by affixing numbers or symbols to those parts).

effective in reducing and deterring motor vehicle theft as compliance with the parts marking requirements in Part 541. As stated above, the agency has granted numerous exemptions from the theft prevention standard for vehicle lines equipped with immobilizers based on data submitted by manufacturers indicating that immobilizers were as effective in reducing and deterring motor vehicle theft as compliance with that standard. Several studies have also indicated that immobilizers designed to meet technical performance criteria are effective in reducing and deterring motor vehicle theft. Studies in Australia and Canada on the effectiveness of immobilization systems (which meet CAN/ULC–S338–98 or ECE R97 and ECE R116) have shown reduced incidence of theft compared to vehicles that were not equipped with immobilizers.[14] For these reasons, the agency has concluded that establishing performance criteria for immobilizers as a means of getting an exemption from the theft prevention standard is consistent with 49 U.S.C. 33106 of the Theft Act. That section requires the agency to determine that an anti-theft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts marking requirements in Part 541 in order to grant an exemption from those requirements.

The proposed performance criteria for immobilizers include specifications for when the immobilizer should arm after the disarming device is removed from the vehicle. The performance criteria state that, when armed, the immobilizer should prevent the vehicle from moving more than three meters under its own power by inhibiting the operation of at least one of the vehicle's electronic control units (ECU). The performance criteria state that, when armed, the immobilizer should not disable the vehicle's brake system. During the disarming process, the immobilizer should send a code to the inhibited ECU to allow the vehicle to move under its own power. The immobilizer should be configured so that disrupting the device's normal operating voltage cannot disarm the immobilizer. The performance criteria state that the immobilizer must have a minimum capacity for 50,000 code variants and shall not be capable of processing more than 5,000 codes within 24 hours unless the immobilizer uses rolling or encrypted codes. The performance criteria state that it shall not be possible to replace the immobilizer without the use of software. In order to satisfy the performance criteria, the immobilizer in a vehicle must be designed so that it is not possible to disarm it using common tools within five minutes.

In order to promote understanding of the new terms used in the regulatory text, the agency is also proposing definitions for "immobilizer" and "accessory mode." We seek comment on these definitions.

The agency plans on ensuring that immobilizer devices which manufacturers are installing to obtain an exemption conform with the proposed performance criteria by requiring manufacturers to state that they have certified the immobilizer installed on the vehicle to CMVSS No. 114. Manufacturers must provide Transport Canada with evidence that the immobilizer complies with CMVSS No. 114, along with all other applicable Canadian Standards, prior to certifying the vehicle under the Canadian Motor Vehicle Safety Act.[15] NHTSA believes that it can rely on the information that manufacturers have provided to Transport Canada regarding their certification to CMVSS No. 114 to ensure that immobilizers manufacturers install in order to obtain an exemption conform to the proposed performance criteria. Therefore, we are proposing to require manufacturers to submit the documentation provided to Transport Canada regarding their certification to CMVSS No. 114 to NHTSA as part of the petition. We do not believe that requiring this information as part of the petition would place a burden on manufacturers because they are already compiling this information to provide to Transport Canada when certifying their vehicles under the Canadian Motor Vehicle Safety Act.

The proposed regulatory text does not include a requirement that manufacturers provide a detailed description of the immobilizer device as part of the petition because we believe that the documentation that manufacturers are providing to Transport Canada, and would be required to provide to NHTSA, describes the immobilizer device in sufficient detail for the agency to be able to determine whether the device satisfies the performance criteria.

The proposed performance criteria do not include specifications that address the durability and reliability of immobilizers because the agency is concerned about the impacts of such specifications on immobilizer design. Part 543 currently requires manufacturers to explain how the design of their immobilizer device ensures that it is durable and reliable in order to be eligible for an exemption.[16] Because the agency believes that it is possible for the durability and reliability of an immobilizer to impact its effectiveness, we have tentatively decided to retain this criterion of eligibility as part of the proposed performance criteria. We have tentatively concluded that requiring manufacturers to submit a statement regarding the durability and reliability of the immobilizer is the best way to ensure that immobilizers are durable and reliable without impacting the ability of manufacturers to create new immobilizer systems. We believe manufacturers will submit statements similar to the ones they are currently submitting as part of their exemption applications to demonstrate that their immobilizers are durable and reliable.

We seek comment on our decision to require manufacturers to submit a statement on the durability and reliability of the device as part of an application for exemption from the theft prevention standard. We also seek comment on the impact that our adoption of the durability and environmental resistance performance criteria in CAN/ULC–S338–98, ECE R97 and ECE R116 might have on the introduction of new and emerging immobilizer and ignition technologies.

The agency believes that the proposed performance criteria are consistent with the following anti-theft device attributes that are currently contained in Part 543:

- The specification in the proposed performance criteria that the immobilizer arm after the disarming device is removed from the vehicle will facilitate activation of the immobilizer by the driver and prevent unauthorized persons who have entered the vehicle by means other than a key from operating the vehicle.[17]
- The specification in the proposed performance criteria that the immobilizer have certain code

[14] *See Principles for Compulsory Immobilizer Schemes*, prepared for the National Motor Vehicle Theft Reduction Council by MM Starrs Pty Ltd., ISBN 1 876704 17 9, Melbourne, Australia, October 2002; Matthew J Miceli "A Report on Fatalities and Injuries as a Result of Stolen Motor Vehicles (1999–2001)," prepared for The National Committee to Reduce Auto Theft Project #6116 and Transport Canada, December 10, 2002.

[15] Motor Vehicle Safety Act. R.S.C., ch. 16 § 5(1)(e) (1993) (Can.). The Canadian Motor Vehicle Safety Act requires a manufacturer to certify that its vehicles comply with all applicable Canadian Motor Vehicle Safety Standards before the vehicles can be sold in Canada.

[16] 49 CFR 543.6(a)(3)(v).

[17] *See* 49 CFR 543.6(a)(3)(i), (iv) (stating that the application for exemption must include an explanation of how the anti-theft device facilitates activation by the driver and prevents unauthorized persons who have entered the vehicle by means other than a key from operating the vehicle).

processing capabilities and be resistant to physical attack will ensure that the immobilizer is designed to prevent defeat or circumvention by persons entering the vehicle by means other than a key.[18]

The proposed performance criteria correspond to the aspects of performance of immobilizer devices that manufacturers now qualitatively describe in their exemption petitions. Manufacturers are currently demonstrating the effectiveness of immobilizers by describing the testing the immobilizer has been subjected to, how the immobilizer is activated, how the immobilizer interacts with the key to allow the vehicle to start and the encryption of electronic communications between the key and the immobilizer. These characteristics correspond to performance criteria in the proposal for how the immobilizer must arm, preventing the vehicle from moving under its own power, how the immobilizer must disarm to allow the driver to start the vehicle, the minimum number of code variants that the immobilizer is able to process, and the immobilizer's resistance to manipulation and physical attack. The proposed performance criteria simplify the process for applying for an exemption because manufacturers would no longer need to describe how the immobilizer achieves these aspects of performance. Instead, manufacturers would only need to state that their immobilizer device conforms to the performance criteria, is certified to the Canadian standard and is durable and reliable.

In order to allow manufacturers to more easily apply for an exemption from the theft prevention standard and to reduce the burden to the agency in processing exemption petitions we have tentatively decided that we will notify manufacturers of decisions to grant or deny exemption petitions by notifying them of the agency's decision in writing. Under this proposal the agency would not publish notices of our decisions to grant or deny exemption petitions from the theft prevention standard based on the manufacturer having satisfied the performance criteria in the **Federal Register**. Should this proposal become final the agency would inform the public and law enforcement that a particular vehicle line has an exemption based on satisfaction of the performance criteria by updating the list of exempt vehicle lines in Appendix A–I to Part 541. We seek comment on our decision not to publish notices of our decisions to grant or deny exemption petitions from the theft prevention standard based on the manufacturer having satisfied the performance criteria in the **Federal Register**.

[18] *See* 49 CFR 543.6(a)(3)(iii)(iv) (stating that the application for exemption must include an explanation of how the anti-theft device prevents defeat or circumvention of the device by an someone without the vehicle's key and prevents unauthorized persons who have entered the vehicle by means other than a key from operating the vehicle).

VII. Costs, Benefits, and the Proposed Compliance Date

Today's proposed rule would amend Part 543 to add performance criteria for immobilizers that are contained in CMVSS No. 114. Because the agency is retaining the current exemption process as a means of gaining an exemption from the theft prevention standard, the addition of performance criteria to Part 543 would result in no costs to manufacturers. Manufacturers would not be required to make any changes to products in order to retain eligibility for an exemption.

The agency cannot quantify the benefits of this rulemaking. The agency does, however, expect some benefits to accrue from making the exemption process in Part 543 more closely harmonized with CMVSS No. 114. Adding the proposed performance criteria would allow manufacturers that are installing immobilizers as standard equipment for a line of motor vehicles in compliance with CMVSS No. 114 to more easily gain an exemption from the parts marking requirements. The agency believes this would reduce the cost to manufacturers of applying for an exemption from the parts marking requirements. Adding performance criteria to Part 543 would also result in a reduction in vehicle theft in cases for which the proposed rule improves the effectiveness of the anti-theft devices chosen by manufacturers.

If the proposed rule encourages more manufacturers to install immobilizers meeting CMVSS No. 114 on vehicles sold in the United States, it could result in cost saving to consumers seeking to import used vehicles into Canada. Importing used vehicles that already comply with CMVSS No. 114 into Canada saves consumers from having to pay to have an aftermarket immobilizer installed in the vehicle.

The agency proposes an effective date of 60 days after the date of issuance of the final rule, should one be issued, so that manufacturers would be eligible for an exemption for installing an immobilizer meeting the proposed performance criteria as soon as possible.

VIII. Regulatory Notices and Analyses

Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Order 12866, Executive Order 13563, and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866, "Regulatory Planning and Review." It is not considered to be significant under E.O. 12866 or the Department's regulatory policies and procedures.

Today's proposed rule would amend Part 543 to add performance criteria for immobilizers that are contained in CMVSS No. 114 to allow manufacturers who are installing immobilizers in compliance with that standard to more easily obtain an exemption from the theft prevention standard.

The agency concludes that the impacts of the proposed changes would be so minimal that preparation of a full regulatory evaluation is not required. This proposal would not result in any costs to manufacturers because the current exemption process would be left in place. Manufacturers would not be required to make any changes to current vehicles to retain eligibility for an exemption. It is also possible that this proposal would result in a reduction in motor vehicle thefts if immobilizers meeting the proposed performance criteria are more effective than current designs.

Executive Order 13609: Promoting International Regulatory Cooperation

The policy statement in section 1 of Executive Order 13609 provides, in part:

> The regulatory approaches taken by foreign governments may differ from those taken by U.S. regulatory agencies to address similar issues. In some cases, the differences between the regulatory approaches of U.S. agencies and those of their foreign counterparts might not be necessary and might impair the ability of American businesses to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

NHTSA is issuing this proposal pursuant to a regulatory cooperation agreement between the United States and Canada. This proposal would more closely harmonize vehicle theft

regulations in the United States with those in Canada.

NHTSA requests public comment on whether there are any "regulatory approaches taken by foreign governments" concerning the subject matter of this rulemaking, beyond those already mentioned in this notice, which the agency should consider.

National Environmental Policy Act

We have reviewed this proposal for the purposes of the National Environmental Policy Act and determined that it would not have a significant impact on the quality of the human environment.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Small Business Administration's regulations at 13 CFR part 121 define a small business, in part, as a business entity "which operates primarily within the United States." 13 CFR 121.105(a). No regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

NHTSA has considered the effects of the proposed rule under the Regulatory Flexibility Act. I certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposal would amend Part 543 to add performance criteria for immobilizers that are contained in CMVSS No. 114 to allow manufacturers who are installing immobilizers in compliance with that standard to more easily obtain an exemption from the theft prevention standard. This proposal would not significantly affect any entities because it would leave in place the current exemption process so that manufacturers would not need to make any changes to products to retain eligibility for an exemption. Accordingly, we do not anticipate that this proposal would have a significant economic impact on a substantial number of small entities.

Executive Order 12988 (Civil Justice Reform)

With respect to the review of the promulgation of a new regulation, section 3(b) of Executive Order 12988, "Civil Justice Reform" (61 FR 4729; Feb. 7, 1996), requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) specifies whether administrative proceedings are to be required before parties file suit in court; (6) adequately defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with that requirement.

Pursuant to this Order, NHTSA notes as follows. There is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court. NHTSA has considered whether this rulemaking would have any retroactive effect. This proposed rule does not have any retroactive effect.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of a proposed or final rule that includes a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995).

Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires NHTSA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows NHTSA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the agency publishes with the final rule an explanation why that alternative was not adopted.

This proposed rule is not anticipated to result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector in excess of $100 million annually. The cost impact of this proposed rule is expected to be $0. Therefore, the agency has not prepared an economic assessment pursuant to the Unfunded Mandate Reform Act.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et. seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. This proposal would decrease the materials that a manufacturer would need to submit to the agency to obtain an exemption from the vehicle theft prevention standard in certain instances.

In compliance with the PRA, we announce that NHTSA is seeking comment on a revision of a currently approved collection.

Agency: National Highway Traffic Safety Administration (NHTSA).

Title: 49 CFR Part 543, Petitions for Exemption from the Vehicle Theft Prevention Standard.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 2127–0542.

Form Number: The collection of this information uses no standard form.

Requested Expiration Date of Approval: Three years from the date of approval.

Summary of the Collection of Information:

This collection consists of information that motor vehicle manufacturers must submit in support of an application for an exemption from the vehicle theft prevention standard. Manufacturers wishing to apply for an exemption from the parts marking requirement because they have installed immobilizers meeting the proposed performance criteria would be required to submit a statement that the entire line of vehicles is equipped with an immobilizer, as standard equipment, that meets the performance criteria contained in that section, a statement that the immobilizer has been certified to the Canadian theft prevention standard, documentation provided to Transport Canada to demonstrate that the immobilizer was certified to the Canadian theft prevention standard, and a statement that the immobilizer device is durable and reliable. The proposed rule would not change the information that manufacturers would need to

submit if seeking an exemption in accordance with the current process used for petitions seeking an exemption based on the installation of immobilizers.

Description of the Need for the Information and Use of the Information:

The information is needed to determine whether a vehicle line is eligible for an exemption from the vehicle theft prevention standard.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information):

Currently, nineteen manufacturers have one or more car lines exempted. We expect, should this proposal be made final, that twelve manufacturers would apply for an exemption per year: Ten under the current process and two under the proposed performance criteria.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting From the Collection of Information:

We estimate that the burden for applying for an exemption under this proposal would be 2300 hours. The burden for applying for an exemption under the current process is estimated to be 226 hours × 10 respondents = 2260 hours. The burden for apply for an exemption under the proposed performance criteria is estimated to be 20 hours × 2 respondents = 40 hours

Comments are invited on:

- Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility.
- Whether the Department's estimate for the burden of the information collection is accurate.
- Ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication. Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attn: NHTSA Desk Officer. PRA comments are due within 30 days following publication of this document in the **Federal Register**.

The agency recognizes that the collection of information contained in today's final rule may be subject to revision in response to public comments.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) requires NHTSA to evaluate and use existing voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law (*e.g.*, the statutory provisions regarding NHTSA's vehicle safety authority) or otherwise impractical.

Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as "performance-based or design-specific technical specification and related management systems practices." They pertain to "products and processes, such as size, strength, or technical performance of a product, process or material."

Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the Society of Automotive Engineers (SAE), and the American National Standards Institute (ANSI). If NHTSA does not use available and potentially applicable voluntary consensus standards, we are required by the Act to provide Congress, through OMB, an explanation of the reasons for not using such standards.

We are not aware of any technical performance criteria for immobilizers issued by voluntary consensus standards bodies in the United States. National Standard of Canada CAN/ULC–S338–98, *Automobile Theft Deterrent Equipment and Systems: Electronic Immobilization* is the only voluntary consensus standard of which the agency is aware that contains performance criteria for immobilizers. The performance criteria in the proposal are substantially similar to those contained in that standard. For the reasons discussed in this notice, the agency has tentatively determined that the simplest way to harmonize Part 543 with Canadian theft prevention regulations was to adopt only the performance criteria for immobilizers proposed below.

Executive Order 13211

Executive Order 13211 [19] applies to any rule that: (1) Is determined to be economically significant as defined under E.O. 12866, and is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. If the regulatory action meets either criterion, we must evaluate the adverse energy effects of the proposed rule and explain why the proposed regulation is preferable to other potentially effective and reasonably feasible alternatives considered by NHTSA.

This proposal would amend Part 543 to add performance criteria for immobilizers that are contained in CMVSS No. 114 to allow manufacturers who are installing immobilizers in compliance with that standard to more easily obtain an exemption from the theft prevention standard. Therefore, this proposed rule would not have any significant adverse energy effects. Accordingly, this proposed rulemaking action is not designated as a significant energy action.

Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that isn't clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this proposal.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the

[19] 66 FR 28355 (May 18, 2001).

comment (or signing the comment, if submitted on behalf of an organization, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

IX. Public Participation

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments. Your comments must not be more than 15 pages long.[20] We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit your comments by any of the following methods:

- *Federal eRulemaking Portal:* go to *http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site by clicking on "Help" or "FAQ."
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

If you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using an Optical Character Recognition (OCR) process, thus allowing the agency to search and copy certain portions of your submissions.[21]

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the Office of Management and Budget (OMB) and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *http://www.whitehouse.gov/omb/fedreg/reproducible.html.* DOT's guidelines may be accessed at *http://dmses.dot.gov/submit/DataQualityGuidelines.pdf.*

How can I be sure that my comments were received?

If you submit your comments by mail and wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT.** When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation.[22]

In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to the Docket by one of the methods set forth above.

Will the agency consider late comments?

We will consider all comments received before the close of business on the comment closing date indicated above under **DATES.** To the extent possible, we will also consider comments received after that date. Therefore, if interested persons believe that any new information the agency places in the docket affects their comments, they may submit comments after the closing date concerning how the agency should consider that information for the final rule.

If a comment is received too late for us to consider in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the materials placed in the docket for this document (e.g., the comments submitted in response to this document by other interested persons) at any time by going to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. You may also read the materials at the Docket Management Facility by going to the street address given above under **ADDRESSES.** The Docket Management Facility is open between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

List of Subjects in 49 CFR Part 543

Imports, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements, and Tires.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR Chapter V as set forth below.

PART 543—EXEMPTION FROM VEHICLE THEFT PREVENTION STANDARD

■ 1. The authority citation for part 543 of title 49 is revised to read as follows:

Authority: 49 U.S.C. 322, 33101, 33102, 33103, 33104 and 33105; delegation of authority at 49 CFR 1.95.

■ 2. Amend § 543.4 by adding, in alphabetical order, the following definitions of Accessory mode and Immobilizer in paragraph (b) to read as follows:

§ 543.4 Definitions.

* * * * *

(b) * * *

Accessory mode means the ignition switch setting in which certain electrical systems (such as the radio and power windows) can be operated without the operation of the vehicle's propulsion engine.

Immobilizer means a device that, when activated, is intended to prevent a motor vehicle from being powered by its own propulsion system.

* * * * *

■ 3. Amend § 543.5 by:

■ a. Revising paragraphs (b)(2), (b)(6), and (b)(7).

■ b. Adding paragraphs (b)(8), and (b)(9) to read as follows:

§ 543.5 Petition: General requirements.

* * * * *

(b) * * *

(2) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

* * * * *

(6) Identify whether the exemption is sought under § 543.6 or § 543.7.

(7) If the exemption is sought under § 543.6, set forth in full the data, views, and arguments of the petitioner supporting the exemption, including the information specified in that section.

(8) If the exemption is sought under § 543.7, a statement that the entire line

[20] *See* 49 CFR 553.21.

[21] Optical character recognition (OCR) is the process of converting an image of text, such as a scanned paper document or electronic fax file, into computer-editable text.

[22] *See* 49 CFR 512.

of vehicles is equipped with an immobilizer, as standard equipment, that meets the performance criteria contained in that section and has been certified to C.R.C, c. 1038.114, *Theft Protection and Rollaway Prevention,* documentation provided to Transport Canada to show the basis for certification to C.R.C, c. 1038.114, *Theft Protection and Rollaway Prevention,* a statement that the immobilizer device is durable and reliable, and reasons for the petitioner's belief that the immobilizer will be effective in reducing and deterring motor vehicle theft.

(9) Specify and segregate any part of the information or data submitted which the petitioner requests be withheld from public disclosure in accordance with part 512, *Confidential Business Information,* of this chapter.

* * * * *

■ 4. Redesignate §§ 543.7 through 543.9 as §§ 543.8 through 543.10.

§§ 543.7 through 543.9 [Redesignated as §§ 543.8 through 543.10]

■ 5. Add new section § 543.7 to read as follows:

§ 543.7 Technical performance criteria for immobilizers.

(a) In order to be eligible for an exemption under this section, the entire vehicle line must be equipped with an immobilizer meeting the following criteria:

(1) Subject to paragraph (a)(2) of this section, an immobilization system shall arm automatically within a period of not more than 1 minute after the disarming device is removed from the vehicle, if the vehicle remains in a mode of operation other than accessory mode or on throughout that period.

(2) If the disarming device is a keypad or biometric identifier, the immobilization system shall arm automatically within a period of not more than 1 minute after the motors used for the vehicle's propulsion are turned off, if the vehicle remains in a mode of operation other than accessory mode or on throughout that period.

(3) The immobilization system shall arm automatically not later than 2 minutes after the immobilization system is disarmed, unless:

(i) Action is taken for starting one or more motors used for the vehicle's propulsion;

(ii) Disarming requires an action to be taken on the engine start control or electric motor start control, the engine stop control or electric motor stop control, or the ignition switch; or

(iii) Disarming occurs automatically by the presence of a disarming device and the device is inside the vehicle.

(4) If armed, the immobilization system shall prevent the vehicle from moving more than 3 meters (9.8 feet) under its own power by inhibiting the operation of at least one electronic control unit and shall not have any impact on the vehicle's brake system except that it may prevent regenerative braking and the release of the parking brake.

(5) During the disarming process, a code shall be sent to the inhibited electronic control unit in order to allow the vehicle to move under its own power.

(6) It shall not be possible to disarm the immobilization system by interrupting its normal operating voltage.

(7) When the normal starting procedure requires that the disarming device mechanically latch into a receptacle and the device is physically separate from the ignition switch key, one or more motors used for the vehicle's propulsion shall start only after the device is removed from that receptacle.

(8)(i) The immobilization system shall have a minimum capacity of 50,000 code variants, shall not be disarmed by a code that can disarm all other immobilization systems of the same make and model; and

(ii) Subject to paragraph (a)(9), it shall not have the capacity to process more than 5,000 codes within 24 hours.

(9) If an immobilization system uses rolling or encrypted codes, it may conform to the following criteria instead of the criteria set out in paragraph (a)(8)(ii) of this section:

(i) The probability of obtaining the correct code within 24 hours shall not exceed 4 per cent; and

(ii) It shall not be possible to disarm the system by re-transmitting in any sequence the previous 5 codes generated by the system.

(10) The immobilization system shall be designed so that, when tested as installed in the vehicle neither the replacement of an original immobilization system component with a manufacturer's replacement component nor the addition of a manufacturer's component can be completed without the use of software; and it is not possible for the vehicle to move under its own power for at least 5 minutes after the beginning of the replacement or addition of a component referred to in this paragraph.

(11) The immobilization system's conformity to paragraph (a)(10) of this section shall be demonstrated by testing that is carried out without damaging the vehicle.

(12) Paragraph (a)(10) does not apply to the addition of a disarming device that requires the use of another disarming device that is validated by the immobilization system.

(13) The immobilization system shall be designed so that it can neither be bypassed nor rendered ineffective in a manner that would allow a vehicle to move under its own power, or be disarmed, using one or more of the tools and equipment listed in paragraph(a)(14);

(i) Within a period of less than 5 minutes, when tested as installed in the vehicle; or

(ii) Within a period of less than 2.5 minutes, when bench-tested outside the vehicle.

(14) During a test referred to in paragraph (a)(13) of this section, only the following tools or equipment may be used: scissors, wire strippers, wire cutters and electrical wires, a hammer, a slide hammer, a chisel, a punch, a wrench, a screwdriver, pliers, steel rods and spikes, a hacksaw, a battery operated drill, a battery operated angle grinder; and a battery operated jigsaw.

* * * * *

■ 6. Amend redesignated § 543.8 by revising paragraph (f) and adding paragraph (g) to read as follows:

§ 543.8 Processing an exemption petition.

* * * * *

(f) If the petition is sought under § 543.6, NHTSA publishes a notice of its decision to grant or deny an exemption petition in the **Federal Register,** and notifies the petitioner in writing of the agency's decision.

(g) If the petition is sought under § 543.7 NHTSA notifies the petitioner in writing of the agency's decision to grant or deny an exemption petition.

* * * * *

■ 7. Redesignated § 543.9 is revised to read as follows

§ 543.9 Duration of exemption.

Each exemption under this part continues in effect unless it is modified or terminated under § 543.10, or the manufacturer ceases production of the exempted line.

* * * * *

Issued in Washington, DC, on January 10, 2014 under authority delegated in 49 CFR 1.95.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2014–00683 Filed 1–16–14; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 79, No. 12
Friday, January 17, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the public meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 8:30 a.m. to 12:35 p.m. on Thursday, January, 30 2014 at the Ronald Reagan Building's Horizon Ballroom located at 1300 Pennsylvania Ave. NW., Washington, DC. The central theme of this year's meeting will be "*Higher Education and US University Student Engagement.*"

Dr. Brady Deaton, BIFAD Chairman, will preside over the meeting. The public business session will begin promptly at 8:30 a.m. with opening remarks by BIFAD Chair Brady Deaton. The Board will address both old and new business during this time and will hear from USAID, the university community and other experts on progress and mechanisms for advancing programming in agricultural research and capacity development. During the business session the BIFAD will host a panel of key authors who will discuss trends in funding for Higher Education—Strategy, Partnerships and Programs, moderated by BIFAD member Harold Martin. During this session the BIFAD will receive updates from USAID on its Feed the Future Innovation Labs and the Higher Education Solutions Network as well as a report on African Higher Education.

Starting at 10:15 a.m., BIFAD member Marty McVey will chair a panel on "Updates from USAID." The purpose shall be to learn about any new or ongoing activities related to higher education and U.S. university student engagement from the Bureau for Food Security's senior leadership.

The final panel session, which will be again chaired by BIFAD Chairman Dr. Brady Deaton will focus on "U.S. University Engagement in Global Food Security." This panel will have significant representation from the U.S. university community to address these issues.

Between 11:30 a.m. and 12:00 p.m. time for public questions and comments will be allowed, followed quickly by the BIFAD Award for Scientific Excellence in a Title XII Innovation Lab. Finally, closing remarks will occur from 12:35pm to 12:45pm by BIFAD Chairman Brady Deaton.

Those wishing to attend the meeting or obtain additional information about BIFAD should contact Susan Owens, Executive Director and Designated Federal Officer for BIFAD. Interested persons may write to her in care of the U.S. Agency for International Development, Ronald Reagan Building, Bureau for Food Security, 1300 Pennsylvania Avenue NW., Room 2.09–067, Washington, DC 20523–2110 or telephone her at (202) 712–0218.

Susan Owens,

USAID Designated Federal Officer, BIFAD, Bureau for Food Security, U.S. Agency for International Development.

[FR Doc. 2014–00829 Filed 1–16–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0090]

Notice of Request for Extension of Approval of an Information Collection; U.S. Origin Health Certificate

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the export of animals and animal products from the United States.

DATES: We will consider all comments that we receive on or before March 18, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0090-0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0090, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0090* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the export of animals and animal products from the United States, contact Dr. Jacek Taniewski, Assistant Director, Live Animal Export, NIES, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737; (301) 851–3300. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: U.S. Origin Health Certificate.

OMB Control Number: 0579–0020.

Type of Request: Extension of approval of an information collection.

Abstract: The export of agricultural commodities, including animals and animal products, is a major business in the United States and contributes to a favorable balance of trade. Within the U.S. Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) maintains information regarding the import health requirements of other countries for animals and animal products exported from the United States, as most countries require a certification that our animals are free from specific diseases and show no clinical evidence of

disease. This certification must carry the USDA seal and be endorsed by an APHIS veterinarian, APHIS-accredited veterinarian, or State veterinarian. VS Forms 17–140/17–140A–B (U.S. Origin Health Certificate/Continuation Sheet) and VS Form 17–145 (U.S. Origin Health Certificate for the Export of Horses from the United States to Canada) are used to meet the certification requirements of other countries. In addition, the export of animals and animal products from the United States may involve other information collection activities, including environmental certification for export facilities, notarized statements, documentation of undue hardship for animals departing from a specific export location, requests regarding approval or withdrawal of approval of export facilities, and recordkeeping for modification of rail stanchions on vessels.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.24205 hours per response.

Respondents: Owners of and facility operators for cattle, sheep, goats, and horses; accredited veterinarians; State veterinarians; live animal exporters; and owners or masters of ocean vessels used to export livestock from the United States.

Estimated annual number of respondents: 780.

Estimated annual number of responses per respondent: 93.27.

Estimated annual number of responses: 72,755.

Estimated total annual burden on respondents: 17,611 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 13th day of January 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–00881 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Nutrition Education Study

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed collection of data for the WIC Nutrition Education Study. This is a NEW information collection. The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is administered at the Federal level by the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture. Through Federal grants to States, WIC provides supplemental foods, health care referrals, and nutrition education to low-income pregnant, breastfeeding, and non-breastfeeding postpartum women and to infants and children who are found to be at nutritional risk. The Healthy Hunger-Free Kids Act of 2010 (Pub. L. 111–296, Sec. 305) mandates programs under its authorization, including WIC, to cooperate with USDA program research and evaluation activities. WIC's mission is to safeguard the health of low-income women, infants, and children up to age 5 who are at nutritional risk by providing nutritious foods to supplement diets, information on healthy eating, and referrals to health care.

Nutrition education is the program feature often viewed as pivotal to WIC's success in achieving its mission to safeguard the health of low-income women, infants, and children. By Federal directive, all participants have the opportunity to participate in nutrition education at least two times during a 6-month period of eligibility or quarterly for a 12-month period. State and local WIC agencies have significant flexibility to design nutrition education appropriate for the demographics of their participants within established goals. This flexibility has yielded a range of messages, delivery systems and approaches, qualifications and training for educators, and quality.

The WIC Nutrition Education Study will provide a nationally representative description of how nutrition education is currently being provided to WIC recipients across the country. It will also conduct a pilot study of the impact of nutrition education on WIC recipients' nutrition and physical activity behaviors. This study will provide FNS with a better understanding of nutrition education practices and methods used by WIC and of the effectiveness of current WIC nutrition education services. The study will document how nutrition education is being provided subsequent to several program changes, including the 2009 food package changes, the implementation of the initiative to *Revitalize Quality Nutrition Services (RQNS),* and the use of new technology, among a racially and ethnically diverse population. Understanding optimal educational topics and methods, how to maximize participant engagement, the best approaches for delivery and reinforcement of messages, and how to effectively prepare and support WIC nutrition educators is key to informing WIC nutrition education improvements.

DATES: Written comments must be submitted on or before March 18, 2014.

ADDRESSES: Written comments are invited on (a) whether the proposed data collection of information is necessary for the proper performance of the functions of the agency, including whether the information has 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 that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology.

Written comments may be sent to: Rich Lucas, Acting Associate Administrator, Office of Policy Support, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Rich Lucas at 703–305–2576 or via email to *Richard.Lucas@fns.usda.gov*. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Room 1014, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Rich Lucas at 703–305–2017.

SUPPLEMENTARY INFORMATION: *Title:* The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Nutrition Education Study.

OMB Number: 0584–NEW.

Expiration Date of Approval: Not yet determined.

Type of Request: New collection.

Abstract: The purpose of the WIC Nutrition Education Study is to (1) provide a nationally representative description of how nutrition education is currently being provided to recipients of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and (2) develop an evaluation plan for a national study to measure the impact of WIC nutrition education on the nutrition and physical activity behaviors of women and their children. This study will be conducted in two phases.

In Phase I, data will be collected from WIC local agencies and their local sites via a nationally representative survey and in-depth telephone interviews with a subset of the survey respondents. The objectives of Phase I include:

- Describe the policies, practices, staff qualifications, and other features affecting nutrition education across all sites within a local agency.
- Describe the logistics and features of nutrition education service delivery, staff characteristics, modes of education, and facilities and resources for delivering nutrition education at the site level.
- Describe the dosage and duration of various nutrition education processes.
- Assess the frequency of various nutrition education processes overall and by geographic distribution and local agency and site characteristics.
- Inform the selection of the sites for the Phase II pilot study.

The Phase II pilot study will include a process and impact evaluation with six geographically dispersed local WIC sites. The objectives of Phase II include:

- Process evaluation: Describe the context for and implementation of nutrition education in each of the six pilot sites.
- Impact evaluation: Measure the strength of association between exposure to WIC nutrition education and changes in participant health behaviors and other outcomes (e.g., readiness for change, self-efficacy, food acquisition and management, eating behaviors, breastfeeding habits, dietary intake, and physical and sedentary activity habits).

Data collection for the process evaluation will include semi-structured interviews with WIC site staff, observations of nutrition education delivery, an online survey of nutrition educators, review of Local Agency Nutrition Education Plans and administrative data, and focus groups with WIC participants. Data collection for the impact evaluation will include a survey of WIC participants at three time points (baseline, interim, final) over a 12-month period.

Combined, Phases I and II of this study will result in a comprehensive description of WIC nutrition education processes that will provide information on optimal educational topics and methods, how to maximize participant engagement, and the best approaches for delivery and reinforcement of nutrition education messages. FNS will use this information to inform WIC nutrition education improvements, thus improving the health of low-income women and children at nutritional risk. There are no costs to respondents other than their time.

Affected Public

Phase I

- State and local WIC agencies and sites (50 State agencies, 1,000 WIC local agencies and 2,000 WIC sites): State agency directors, local agency WIC directors/managers, local WIC site supervisors/nutritionists. We estimate 50 State agencies and 50 local agencies will need to be contacted and will provide information needed for drawing the sample for the Site Survey. We estimate that 80% or 800 of the local agencies and 80% or 1,600 of the WIC sites will participate in the survey and that 80 of the sites (from the 1,600 responding sites) will participate in the telephone interviews.

Phase II

- State and local WIC sites (6 WIC sites selected from sites responding to Phase I): Local WIC site supervisors, nutritionists/nutrition assistants, WIC State agency staff. For the six pilot WIC sites, all of the local WIC site supervisors will participate in the baseline, interim, and final interviews and all of the State agencies for these sites will provide the requested administrative data. We estimate that 30 of the WIC nutritionists/nutrition assistants at these sites will complete the Web-based survey of nutrition educators.
- Individual/household (1,100 WIC participants): Respondent groups include pregnant and postpartum women enrolled in the WIC program and mothers or caregivers of children aged 1 year to age 4 years who are enrolled in the WIC program at the six selected WIC sites. A subset of these respondents (96) will take part in focus group discussions.

Estimated Number of Respondents

As presented in Table 1, the total number of respondents is 4,206. For Phase I, FNS estimates that 50 State agency directors and 50 local agency staff will provide information needed to draw the sample, 800 local agency WIC directors/program managers will complete the Local Agency Survey (of these, we estimate 50 individuals may need to be contacted to provide information to draw the sample), and 1,600 local WIC site supervisors/nutritionists will complete the Site Survey. The surveys are web-based with a paper version available for respondents without Internet access. A subset of the local WIC site supervisors/nutritionists (80) will complete in-depth telephone interviews.

For Phase II, 6 respondents are local WIC site supervisors who will complete three in-person or telephone interviews (baseline, interim, and final) during the 12-month study period (some of these individuals may have also participated in the Phase I Site Survey). Additionally, 30 are WIC nutritionists/nutrition assistants who will complete a web-based survey (some of these individuals may have also participated in the Phase I Site Survey), and 24 are

WIC State agency staff who will provide WIC administrative data.

A total of 1,100 respondents are WIC participants from the six selected WIC sites. Of the 1,100 WIC participants approached for screening, 900 will agree to be screened and will be eligible for the study. Of these, 800 will agree to enroll in the study and complete the baseline survey, 640 will complete the interim survey, and 600 will complete the final survey. A subset of WIC participants (96) will take part in focus group discussions.

Estimated Number of Responses per Respondent

For Phase I, there is one response per respondent. For Phase II, the WIC participants will complete three surveys and the local WIC site supervisors will complete three interviews (baseline, interim, and final) during the 12-month study period. Data will be collected from other respondent types only once.

Estimated Total Annual Responses

The total annualized estimated number of responses is 2,334. For Phase I this includes 17 responses from State agency directors, 351 responses for local agency WIC directors/program managers, and 668 responses for local WIC site supervisors/nutritionists. A subsample of 33 local WIC site supervisors/nutritionists will be contacted for the telephone interviews. For Phase II this includes 13 responses for WIC nutritionists/nutrition assistants, 6 responses for local WIC site supervisors, 4 responses from State Agency staff, and 1,242 responses for WIC participants. The Annualized burden (last column of Table 1) should be multiplied by 3 to get the burden over the life of the 3-year data collection period.

Estimated Time per Response

Phase I: State agency and local agency directors will take 30 minutes (0.5 hours) to respond to the request for information to draw the sample, local agency WIC directors/program managers will take 45 minutes (0.75 hours) to respond to the web-based Local Agency Survey, and local WIC site supervisors/nutritionists will take 45 minutes (0.75 hours) to respond to the web-based Site Survey. Local WIC site supervisors/nutritionists will take 30 minutes (0.5 hours) to respond to the in-depth telephone interviews.

Phase II: WIC nutritionists/nutrition assistants will take 20 minutes (0.334 hours) to respond to the web-based survey. Local WIC site supervisors will take 45 minutes (0.75 hours) to respond to the baseline interview, 15 minutes (0.25 hours) to respond to the interim interview, and 15 minutes (0.25 hours) to respond to the final interview. WIC State agency staff will take 1.5 hours to respond to the WIC administrative data request, which can be done once at the end of the 12-month study period. WIC participants will take 15 minutes (0.25 hours) to complete the in-person screening interview, 20 minutes (0.334 hours) to complete the baseline survey, 20 minutes (0.334 hours) to complete the interim survey, and 20 minutes (0.334 hours) to complete the final survey. Additionally, it will take 90 minutes (1.5 hours) for WIC participants who agree to take part in the focus group discussions.

Estimated Total Annual Burden on Respondents: FNS estimates the annualized burden is 1,022.43 hours.

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS

Respondents by type of interview	Estimated number of respondents	Frequency of responses per respondent (annualized based on 3 years)	Estimated total annual responses	Estimated average burden hours per response	Estimated total annual hour burden[1]
Phase I—National Survey and Interviews of Local WIC Staff					
Request information for drawing sample from State agency directors					
Completed	50	0.334	16.70	0.5000	8.35
Attempted	0	0.000	0.00	0.0000	0.00
Request information for drawing sample from local agency directors					
Completed[2]	50	0.334	16.70	0.5000	8.35
Attempted	0	0.000	0.00	0.0000	0.00
Web-based survey of local agency WIC directors/program managers					
Completed	800	0.334	267.20	0.7500	200.40
Attempted	200	0.334	66.80	0.0835	5.58
Web-based survey of local WIC site supervisors/nutritionists					
Completed	1,600	0.334	534.40	0.7500	400.80
Attempted	400	0.334	133.60	0.0835	11.16
Telephone interviews with local WIC site supervisors/nutritionists[3]					
Completed	80	0.334	26.72	0.5000	13.36
Attempted	20	0.334	6.68	0.0835	0.56
WIC Staff Total	3,050		1068.80		648.55
Phase II—Pilot Evaluation Study (State/Local WIC Staff)					
Web-based survey of WIC nutritionists/nutrition assistants					
Completed[4]	30	0.334	10.02	0.3340	3.35

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Respondents by type of interview	Estimated number of respondents	Frequency of responses per respondent (annualized based on 3 years)	Estimated total annual responses	Estimated average burden hours per response	Estimated total annual hour burden[1]
Attempted	8	0.334	2.67	0.0835	0.22
Baseline in-person interviews with local WIC site supervisors					
Completed[4]	6	0.334	2.00	0.7500	1.50
Attempted	0	0.000	0.00	0.0000	0.00
Interim and final telephone interviews with local WIC site supervisors					
Completed[4]	6	0.667	4.00	0.2500	1.00
Attempted	0	0.000	0.00	0.0000	0.00
Request WIC administrative data from State Agency staff					
Completed	12	0.334	4.01	1.5000	6.01
Attempted	0	0.000	0.00	0.0000	0.00
WIC Staff Total	56		22.71		12.09
Phase II—Pilot Evaluation Study (WIC Participants)					
In-person screening interview of WIC participants					
Completed	900	0.334	300.60	0.2500	75.15
Attempted	200	0.334	66.80	0.0835	5.58
Baseline survey of WIC participants (in-person/mail)					
Completed	800	0.334	267.20	0.3340	89.24
Attempted	100	0.334	33.40	0.0334	1.12
Interim survey of WIC participants (mail/phone)					
Completed	640	0.334	213.76	0.3340	71.40
Attempted	160	0.334	53.44	0.0334	1.78
Final survey of WIC participants (mail/phone)					
Completed	600	0.334	200.40	0.3340	66.93
Attempted	200	0.334	66.80	0.0334	2.23
Focus groups with WIC participants[5]					
Completed	96	0.334	32.06	1.5000	48.10
Attempted	24	0.334	8.02	0.0334	0.27
WIC Participant Total	1,100		1242.48		361.80
Annualized Total	4,206	0.5549	2333.99	0.4381	1022.43

[1] Annual hour burden will need to be multiplied by 3 for the total 3 year data collection period.
[2] Not included in the Total for Estimated Number of Respondents because these respondents are a subset of participants to the Local Agency Survey.
[3] Not included in the Total for Estimated Number of Respondents because these respondents are a subset of participants to the Site Survey.
[4] Some of these individuals may have also participated in the Phase I Site Survey.
[5] Not included in the Total for Estimated Number of Respondents because these participants are a subset of respondents to the Participant Surveys.

Dated: January 9, 2014.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2014–00827 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2013–0047]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Additives

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services are sponsoring a public meeting on February 11, 2014, from 9 a.m. to 12 p.m. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions that will be discussed at the 46th Session of the Codex Committee on Food Additives (CCFA) of the Codex Alimentarius Commission (Codex), taking place in Hong Kong, China, March 17–21, 2014. The Acting Under Secretary and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 46th Session of the CCFA and to address items on the agenda.

DATES: The public meeting is scheduled for Tuesday, February 11, 2014, from 9 a.m. to 12 p.m.

ADDRESSES: The public meeting will take place in Rooms 1A–001 and 1A–002, US FDA, Harvey Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740. Documents related to the 46th Session of the CCFA will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

The U.S. Delegate to the 46th Session of the CCFA, Susan Carberry, and FDA, invite interested U.S. parties to submit their comments electronically to the following email address: *ccfa@fda.hhs.gov.*

Registration: Attendees may register by emailing *ccfa@fda.hhs.gov* by February 7, 2014. Early registration is encouraged because it will expedite entry into the building and its parking area. If you require parking, please include the vehicle make and tag number when you register. Because the meeting will be held in a Federal building, you should also bring photo identification and plan for adequate time to pass through security screening systems. Attendees that are not able to attend the meeting in person but wish to participate may do so by phone. Those wishing to participate by phone should request the call-in number and conference code when they register for the meeting.

FOR FURTHER INFORMATION CONTACT:

For Further Information About the 46th Session of the CCFA Contact: Susan Carberry, Ph.D., Supervisory Chemist, Division of Petition Review, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition CFSAN/FDA, HFS–205, 5100 Paint Branch Parkway, College Park, MD 20740; Telephone: (240) 402–1269, Fax: (301) 436–2972, Email: *susan.carberry@fda.hhs.gov.*

For Further Information About the Public Meeting Contact: Daniel E. Folmer, Ph.D., Review Chemist, Division of Petition Review, Office of Food Additive Safety, CFSAN/FDA HFS–265, 5100 Paint Branch Parkway, College Park, MD 20740; Telephone: (240) 402–1269, Fax: (301) 436–2972, Email: *daniel.folmer@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background: Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The CCFA establishes or endorses permitted maximum levels for individual food additives; prepares priority lists of food additives for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA); assigns functional classes and International Numbering System (INS) numbers to individual food additives; recommends specifications of identity and purity for food additives for adoption by Codex; considers methods of analysis for the determination of additives in food; and considers and elaborates standards or codes for related subjects such as labeling of food additives when sold as such. The CCFA is hosted by China.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 46th Session of the CCFA will be discussed during the public meeting:

- Matters referred by the Codex Alimentarius Commission and other Codex committees and Task Forces. (CX/FA 14/46/2)
- Matters of interest arising from FAO/WHO and from the 77th Meeting of the Joint FAO/WHO Expert Committee on Food Additives (JECFA). (CX/FA 14/46/3)
- Endorsement and/or revision of maximum levels for food additives and processing aids in Codex standards. (CX/FA 14/46/4)
- Alignment of the food additive provisions of commodity standards and relevant provisions of the GSFA. (CX/FA 14/46/5)
- Revision of *the Guidelines for the Simple Evaluation of Food Additive Intakes* (CAC/GL 3–1989) (N08–2013). (CX/FA 14/46/6)
- Information on commercial use of selected food additives (replies to CL 2013/8–FA, Part B, point 4). (CX/FA 14/46/7)
- Provisions in Tables 1 and 2 for food additives listed in Table 3 with "emulsifier, stabilizer and thickener" function, and horizontal approach—outstanding provisions from 45th CCFA. (CX/FA 14/46/8)
- Provisions in Tables 1 and 2 for food additives listed in Table 3 with: (i) "Acidity regulator" function for use other than as acidity regulators; and (ii) for other Table 3 food additives with functions other than "emulsifier, stabilizer, thickener," "color," and "sweetener." (CX/FA 14/46/9)
- Food additive provisions of food category 14.2.3, "Grape wines," and its sub-categories. (CX/FA 14/46/10)
- Descriptors and food additive provisions of food category 01.1.1, "Milk and butter milk (plain)," and its sub-categories and food category 01.1.2, "Dairy-based drinks, flavored and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)." (CX/FA 14/46/11)
- Recommendations for the entry of new provisions, including those for food category 16.0, "Prepared foods," and for revision of existing food additive provisions (based on replies to CL 2012/5–FA, Part B, points 9 and 10). (CX/FA 14/46/12)
- Proposals for provisions of nisin (INS 234) in food category 08.0, "Meat and meat products, including poultry and game," and its sub-categories (replies to CL 2012/5–FA, Part B, point 8)—outstanding from 45th CCFA. (CX/FA 14/46/13)
- Discussion paper on use of Note 161 in provisions for selected sweeteners. (CX/FA 14/46/14)
- Proposals for new and/or revision of food additive provisions (replies to CL 2013/8–FA Part B, point 5). (CX/FA 14/46/15)

- Proposed draft amendments to the International Numbering System (INS) for Food Additives. (CX/FA 14/46/16)
- Proposed draft specifications for the Identity and Purity of food additives arising from the 77th JECFA Meeting. (CX/FA 14/46/17)
- Discussion paper on the use of "additives in additives" (secondary additives). (CX/FA 14/46/18)
- Proposals for additions and changes to the Priority List of Food Additives proposed for evaluation by JECFA (replies to CL 2013/12–FA). (CX/FA 14/46/19)
- Discussion paper on options for the use of outcomes of the prioritization exercise and other feasible steps to identify compounds for re-evaluation by JECFA. (CX/FA 14/46/20)

Each issue listed will be fully described in documents distributed, or to be distributed, by the Codex Secretariat prior to the meeting. Members of the public may access these documents at *ftp://ftp.fao.org/codex/meetings/CCFA/ccfa46/*.

Public Meeting

At the February 11, 2014 public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 45th Session of the CCFA, Dr. Susan Carberry at the following address: *ccfa@fda.hhs.gov*. Written comments should state that they relate to activities of the 46th Session of the CCFA.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register*.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service*.

Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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Done at Washington, DC, on January 8, 2014.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2014–00816 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2013–0043]

Codex Alimentarius Commission: Meeting of the Codex Committee on Spices and Culinary Herbs

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety U.S. Department of Agriculture (USDA) is sponsoring a public meeting that will take place on January 23, 2014. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States positions that will be discussed at the first session of the Codex Committee on Spices and Culinary Herbs (CCSCH) of the Codex Alimentarius Commission (Codex), taking place in Kochi (Cochin), India, February 11–14, 2014. The Acting Under Secretary for Food Safety recognizes the importance of providing interested parties the opportunity to obtain background information on the 1st Session of CCSCH and to address items on the agenda.

DATES: The public meeting is scheduled for Wednesday, January 23, 2014 from 1 p.m. to 4 p.m.

ADDRESSES: The public meeting will take place at The United States Department of Agriculture, Jamie L. Whitten Building, Room 107–A, 1400 Independence Avenue SW., Washington, DC 20250. Documents related to the 1st session of CCSCH will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.org/meetings-reports/en/*.

Mary Frances Lowe, The U.S. Codex Manager to invites U.S. interested parties to submit their comments electronically to the following email addresses: *Dorian.Lafond@ams.usda.gov* & *George.Ziobro@fda.hhs.gov*.

Call In Number

If you wish to participate in the public meeting for the 1st session of CCSCH by conference call, please use the call in number and participant code listed below:

Call in Number: 1–888–844–9904.

Participant Code: 512–6092.

For Further Information About the 1st Session of CCSCH Contact: Kenneth Lowery, International Issues Analyst, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, South Building, Washington, DC 20250; Phone: (202) 690–4042; Fax: (202) 720–3157; Email: *Kenneth.Lowery@fsis.usda.gov*.

For Further Information About the Public Meeting Contact: Kenneth Lowery, International Issues Analyst, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, South Building, Washington, DC 20250; Phone: (202) 690–4042, Fax: (202) 720–3157, Email: *Kenneth.Lowery@fsis.usda.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the

health of consumers and ensure that fair practices are used in trade.

The CCSCH is responsible for elaborating worldwide standards for spices and culinary herbs in their dried and dehydrated state in whole ground, and cracked or crushed form, consulting as necessary, with other international organizations in the standards development process to avoid duplication.

The Committee is hosted by India.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 1st session of CCSCH will be discussed during the public meeting:

- Matters Referred by the Codex Alimentarius Commission and other Codex Committees and Task Forces
- Activities of International Organizations relevant to the Work of CCSCH
- Work Management modalities of the CCSCH
- Mechanisms for prioritization of the work
- Proposals for New Work (replies to CL 2013/22–SCH)
- Other Business and Future Work

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the January 23, 2014 public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. contacts for the 1st session of CCSCH, (see **ADDRESSES**). Written comments should state that they relate to activities of the 1st session of CCSCH.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Nondiscrimination Statement

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Done at Washington, DC, on January 8, 2014.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2014–00815 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2013–0049]

Codex Alimentarius Commission: Meeting of the Codex Committee on Fresh Fruits and Vegetables

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Agricultural Marketing Service (AMS), are sponsoring a public meeting to take place on January 30, 2014. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States positions that will be discussed at the 18th Session of the Codex Committee on Fresh Fruits and Vegetables (CCFFV) of the Codex Alimentarius Commission (Codex), taking place in Bangkok, Thailand, from February 24–28, 2014. The Acting Under Secretary for Food Safety and AMS recognize the importance of providing interested parties the opportunity to obtain background information on the 18th Session of CCFFV and to address items on the agenda.

DATES: The public meeting is scheduled for January 30, 2014, from 1 p.m. to 3 p.m.

ADDRESSES: The public meeting will be held at USDA, Jamie L. Whitten Building, 1400 Independence Avenue SW., Room 107–A, Washington, DC 20250.

Documents related to the 18th session of CCFFV will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Dorian Lafond, U.S. Delegate to the 18th session of CCFFV, invites U.S. interested parties to submit their comments electronically to the following email address: *dorian.lafond@usda.gov.*

Call-in Number

If you wish to participate in the public meeting for the 18th session of CCFFV by conference call, please use the call-in number and participant code listed below:

Call-in Number: 1–888–844–9904.

Participant code: 512–6092.

For Further Information About the 18th Session of CCFFV Contact: Dorian Lafond, Agricultural Marketing Service, Fruits and Vegetables Division, Stop 0235, Room 2086, South Building, 1400 Independence Avenue SW., Washington, DC 20250–0235; Telephone: (202) 690–4944, Fax: (202) 720–0016, Email: *dorian.lafond@usda.gov.*

For Further Information About the Public Meeting Contact: Kenneth Lowery, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, South Building, Washington, DC 20250; Telephone: (202) 690–4042, Fax: (202) 720–3157, Email: *Kenneth.Lowery@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in the food trade.

The CCFFV is responsible for elaborating worldwide standards and codes of practice as may be appropriate for fresh fruits and vegetables; consulting with the United Nations Economic Commission for Europe (UNECE) Working Party on Agricultural Quality Standards in the elaboration of worldwide standards and codes of practice with particular regard to ensuring that there is no duplication of standards or codes of practice and that they follow the same broad format; consulting as necessary with other international organizations that are active in the area of standardization of fresh fruits and vegetables.

The Committee is hosted by Mexico.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 18th session of CCFFV will be discussed during the public meeting:

- Matters arising from the Codex Alimentarius Commission and other Codex Committees
- Matters arising from other international organizations on the standardization of fresh fruits and vegetables
- UNECE standards for fresh fruits and vegetables
- Draft Codex Standard for Golden Passion Fruit (at Step 7)
- Proposed Draft Codex Standard for Durian (at Step 4)
- Proposed Draft Codex Standard for Okra (at Step 4)
- Review of the maturity requirements in the Codex Standard for Table Grapes
- Proposal for New Work on a Codex Standard for Ware Potato
- Proposal for New Work on Codex Standards for Fresh Fruits and Vegetables
- Review of the Terms of Reference of the Codex Committee on Fresh Fruits and Vegetables
- Proposed layout for Codex Standards for Fresh Fruits and Vegetables

Each issue listed will be fully described in documents distributed, or to be distributed, by the Codex Secretariat prior to the Committee meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the January 30, 2014, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 18th session of CCFFV, Dorian Lafond (see **ADDRESSES**). Written comments should state that they relate to activities of the 18th session of CCFFV.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

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FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives and notices.

Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on January 8, 2014.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2014–00819 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Amended Designation for Sioux City Inspection and Weighing Service Company

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of Sioux City Inspection and Weighing Service Company (Sioux City) to provide official services under the United States Grain Standards Act (USGSA), as amended. Sioux City's geographical territory is amended to include the part of the area previously designated to Fremont Grain Inspection Department, Inc. (Fremont).

DATES: *Effective Date:* December 1, 2013.

ADDRESSES: Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACD, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

Read Applications: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the August 20, 2013 **Federal Register** Notice (78 FR 51138), GIPSA requested applications for designation to provide official services in a geographic area formerly serviced by Fremont. Applications were due by September 19, 2013.

Sioux City was the sole applicant for designation to provide official services in this area. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated all available information regarding the designation

criteria in section 79(f) of the USGSA (7 U.S.C. 79(f)) and determined that Sioux City is qualified to provide official services in the geographic area specified in the **Federal Register** Notice published on August 20, 2013.

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following amended geographic area, is assigned to Sioux City:

In Iowa

Bounded on the North by the northern Iowa State line from the Big Sioux River east to U. S. Route 169; Bounded on the East by U.S. Route 169 south to State Route 9; State Route 9 west to U.S. Route 169; U.S. Route 169 south to the northern Humboldt County line; the Humboldt County line east to State Route 17; State Route 17 south to C54; C54 east to U.S. Route 69; U.S. Route 69 south to the northern Hamilton County line; the Hamilton County line west to R38; R38 south to U.S. Route 20; U.S. Route 20 west to the eastern and southern Webster County lines to U.S. Route 169; U.S. Route 169 south to E18; E18 west to the eastern Greene County line; the Greene County line south to U.S. Route 30; Bounded on the South by U.S. Route 30 west to E53; E53 west to N44; N44 north to U.S. Route 30; U.S. Route 30 west to U.S. Route 71;U.S. Route 71 north to the southern Sac and Ida County lines; the eastern Monona County line south to State Route 37; State Route 37 west to State Route 175; State Route 175 west to the Missouri River; and Bounded on the West by the Missouri River north to the Big Sioux River; the Big Sioux River north to the northern Iowa State line.

In Minnesota

Yellow Medicine, Renville, Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, Jackson, and Martin Counties.

In Nebraska

Cedar, Dakota, Dixon, Pierce (north of U.S. Route 20), and Thurston Counties.

In South Dakota

Bounded on the North by State Route 44 (U.S. 18) east to State Route 11; State Route 11 south to A54B; A54B east to the Big Sioux River; Bounded on the East by the Big Sioux River; and Bounded on the South and West by the Missouri River.

The following grain elevators are part of this geographic area assignment. In Central Iowa Grain Inspection Service, Inc.'s, area: West Central Coop, Boxholm, Boone County, Iowa. In D. R. Schaal Agency's area: Maxyield Coop, Algona, Kossuth County; Stateline Coop, Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and North Central Coop, Holmes, Wright County, Iowa.

This designation action to provide official services in these specified areas, as amended, is effective December 1, 2013 and terminates on March 31, 2015.

Interested persons may obtain official services by contacting this agency at the following telephone number:

Official agency	Headquarters location and telephone	Amended designation start	Amended designation end
Sioux City	Sioux City, IA (712) 255–8073	12/1/2013	3/31/2015

Section 79(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)).

Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than three years unless terminated by the Secretary; however, designations may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2014–00897 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Amended Designation for Central Illinois Grain Inspection, Inc.

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: Central Illinois Grain Inspection, Inc. (Central Illinois) geographical area is amended to include the area previously designated to Decatur Grain Inspection, Inc. (Decatur).

DATES: *Effective Date:* October 17, 2013.

ADDRESSES: Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACD, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

Read Applications: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the March 22, 2011 **Federal Register** (76 FR 15936), GIPSA announced the designation of Central Illinois to provide official services under the USGSA, effective April 1, 2011 to March 31, 2014. Subsequently, Central Illinois purchased Decatur on October 17, 2013 and asked GIPSA to amend their designation to include the additional geographic area. GIPSA reviewed the proposed amendment and determined that Central Illinois met all of the requirements specified in 7 CFR 800.196(f)(2) to amend their geographical area.

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, Central Illinois designation is amended to include the additional geographic area previously designated to Decatur. Central Illinois designation for the following amended geographical area is effective October 17, 2013 to March 31, 2014.

In Illinois

Bounded on the North by State Route 18 east to U.S. Route 51; U.S. Route 51 south to State Route 17; State Route 17 east to Livingston County; the Livingston County line east to State Route 47; Bounded on the East by State Route 47 south to State Route 116; State Route 116 west to Pontiac, which intersects with a straight line running north and south through Arrowsmith to the southern McLean County line; the southern McLean County line east to the eastern DeWitt County line; the eastern DeWitt County Line; the eastern Macon County line south to Interstate 72; Interstate 72 northeast to the eastern Piatt County line; the eastern Piatt, Moultrie, and Shelby County lines; Bounded on the South by the southern Shelby County line; a straight line running along the southern Montgomery

County line west to State Route 16 to a point approximately one mile northeast of Irving; and Bounded on the West by a straight line from this point northeast to Stonington on State Route 48; a straight line from Stonington northwest to Elkhart on Interstate 55; a straight line from Elkhart northeast to the west side of Beason on State Route 10; State Route 10 west to the Logan County line; the western Logan County line; the southern Tazewell County line; and Bounded on the West by the western Tazewell County line; the western Peoria County line north to Interstate 74; Interstate 74 southeast to State Route 116; State Route 116 north to State Route 26; State Route 26 north to State Route 18.

The following grain elevators are not part of this geographic area assignment and are assigned to: Champaign-Danville Grain Inspection Departments, Inc.: East Lincoln Farmers Grain Co., Lincoln, Logan County, Illinois; Okaw Cooperative, Cadwell, Moultrie County; ADM (3 elevators), Farmer City, Dewitt County; and Topflight Grain Company, Monticello, Piatt County, Illinois.

Interested persons may obtain official services by contacting this agency at the following telephone numbers:

Official agency	Headquarters location and telephone	Amended designation start	Amended designation end
Central Illinois	Bloomington, IL (309) 827–7121 Decatur, IL (217) 429–2466	10/17/2013	3/31/2014

Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than three years unless terminated by the Secretary; however, designations may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2014–00890 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation of Detroit Grain Inspection Service, Inc. To Provide Class X or Class Y Weighing Services

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of Detroit Grain Inspection Service, Inc. (Detroit) to provide Class X or Class Y weighing services under the United States Grain Standards Act (USGSA), as amended.

DATES: *Effective Date:* October 18, 2013.

ADDRESSES: Eric J. Jabs, Chief, USDA, GIPSA, FGIS, QACD, QADB, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *ric.J.Jabs@usda.gov.*

SUPPLEMENTARY INFORMATION: In the February 26, 2013 **Federal Register** (78 FR 13015), GIPSA announced the designation of Detroit to provide official services under the USGSA, effective April 1, 2013 to March 31, 2016. Subsequently, Detroit asked GIPSA to amend their designation to include official weighing services. Section 79a of the USGSA authorizes the Secretary to designate authority to perform official weighing to an agency providing official inspection services within a specified geographic area, if such agency is qualified under section 79 of the USGSA. GIPSA evaluated information regarding the designation criteria in section 79 of the USGSA and determined that Detroit is qualified to provide official weighing services in their currently assigned geographic area.

Detroit's designation is amended to include Class X or Class Y weighing within their assigned geographic area, effective October 18, 2013 to March 31, 2016.

Interested persons may obtain official services by contacting Detroit at (810) 404–3786.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2014–00891 Filed 1–16–14; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

Notice of Request for Comments on Extension of a Currently Approved Information Collection

AGENCY: Departmental Management, Agriculture.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces that the Department of Agriculture, Departmental Management, Office of Procurement and Property Management, is hereby requesting an extension for and a revision to a currently approved information collection, Voluntary Labeling Program for Biobased Products for Federal Biobased Products Preferred Procurement Program.

DATES: Comments on this notice must be received by March 18, 2014 to be assured of consideration.

Additional Information or Comments

Ron Buckhalt, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024; email: *biopreferred@usda.gov;* phone (202) 205–4008. You may submit comments by any of the methods listed below. All submissions received must include the agency name. Also, please identify submittals as pertaining to the "Notice on Request for Comments on Extension of a Currently Approved Information Collection."

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: biopreferred@usda.gov.* Include "Notice on Request for Comments on Extension of a Currently Approved Information Collection" on the subject line. Please include your name and address in your message.
- *Mail/commercial/hand delivery:* Mail or deliver your comments to: Ron Buckhalt, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024.
- Persons with disabilities who require alternative means for communication for regulatory information (Braille, large print, audiotape, etc.) should contact the

USDA TARGET Center at (202)720–2600 (voice) and (202)690–0942 (TTY).

SUPPLEMENTARY INFORMATION:

Title: Voluntary Labeling Program for Biobased Products for Federal Biobased Products Preferred Procurement Program.

OMB Control Number: 0503–0020.

Expiration Date of Approval: April 30, 2014.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Section 9002(h) of the Farm Security and Rural Investment Act (FSRIA) of 2002, as amended by the Food, Conservation, and Energy Act (FCEA) of 2008, requires the Secretary of Agriculture to implement a voluntary labeling program that would enable qualifying biobased products to be labeled with a ''USDA Certified Biobased Product'' label. USDA subsequently published the terms and conditions for voluntary use of the label. These terms and conditions can be found in the Code of Federal Regulations (CFR) at 7 CFR part 3202. To implement the statutory requirements of FSRIA, USDA will gather relevant product information on biobased products for which manufacturers and vendors seek certification to use the label. The information collected will enable USDA to evaluate the qualifications of biobased products to carry the USDA label and to ensure that the label is used properly and in accordance with the requirements specified in 7 CFR part 3202. To the extent feasible, the information sought by USDA can be transmitted electronically using the Web site *http://www.biopreferred.gov.* If electronic transmission of information is not practical for some applicants, USDA will provide technical assistance to support the transmission of information to USDA.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 hours per response.

Respondents: Manufacturers and vendors who wish to apply the ''USDA Certified Biobased Product'' label to their biobased products.

Estimated Annual Number of Respondents: 300.

Estimated Number of Responses per Respondent: 4. One response is required for each product for which certification is sought and the average number of products each respondent is expected to apply for certification for is four.

Estimated Total Annual Burden on Respondents: 3,600 hours, one time only. Manufacturers and vendors are only required to respond once for each product they wish to label. Therefore, there is no ongoing annual paperwork burden on respondents unless they wish to apply to label additional products.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Ron Buckhalt, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: November 26, 2013.

Gregory L. Parham,

Assistant Secretary for Administration, U.S. Department of Agriculture.

[FR Doc. 2014–00828 Filed 1–16–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[12/31/2013 through 01/13/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
Allen-Carleton, Inc. (dba H&H Machined Products Company).	2540 Manchester Road, Erie, PA 16506	1/9/2014	The firm manufacturers fabricated metal and plastic products.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: January 13, 2013.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–00855 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–82–2013]

Foreign-Trade Zone 203—Moses Lake, Washington; Authorization of Production Activity; AREVA Inc. (Fuel Rod Assemblies); Richland, Washington

On August 29, 2013, the Port of Moses Lake Public Corporation, grantee of FTZ 203, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of AREVA Inc., within Site 4 of FTZ 203, in Richland, Washington.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 56655, 9–13–2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: January 13, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–00920 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–85–2013]

Foreign-Trade Zone 7—Mayaguez, Puerto Rico; Authorization of Production Activity; Patheon Puerto Rico, Inc. (Pharmaceutical Products); Caguas and Manatí, Puerto Rico

On August 28, 2013, the Puerto Rico Industrial Development Company, grantee of FTZ 7, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Patheon Puerto Rico, Inc., within FTZ 7, Site 1 in Caguas and within Subzone 7L, in Manatí, Puerto Rico.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400) including notice in the **Federal Register** inviting public comment (78 FR 58273, 09–23–2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: January 10, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–00918 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–86–2013]

Authorization of Production Activity; Foreign-Trade Subzone 38F; Benteler Automotive Corporation (Automotive Suspension and Body Components); Duncan, South Carolina

On August 28, 2013, the South Carolina State Ports Authority, grantee of FTZ 38, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Benteler Automotive Corporation, operator of Subzone 38F, in Duncan, South Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 58518–58519, 9–24–2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: January 13, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–00917 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–1–2014]

Notification of Proposed Production Activity; Mitsubishi Electric Power Products Inc.; Subzone 181B (Circuit Breakers); Sebring, Ohio

Mitsubishi Electric Power Products Inc. (MEPPI), operator of Subzone 181B, submitted a notification of proposed production activity for its facility located in Sebring, Ohio. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on December 26, 2013.

The facility is used for the production of high voltage, automatic circuit breakers. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt MEPPI from customs duty payments on the foreign status components used in export production. On its domestic sales, MEPPI would be able to choose the duty rates during customs entry procedures that apply to high voltage, automatic circuit breakers (2.0, 2.7%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: Oils; greases; glues; silicones; plastic pipes/hoses/fittings/tapes/films/sheets/containers; rubber pipes/hoses/gaskets/containers; paper labels; metal flanges/fittings/casters/name plates; screws; bolts; washers; rivets; cotter pins; springs; wire (steel, copper); cabinet hardware; copper fittings; aluminum struts/tanks; pumps; compressors; blowers; air conditioners; heat exchanger parts; filters; laser tools; portable computers and related parts; valves (reducing, transmission, check, safety); bearings (ball, roller, needle); universal joints; electric (AC/DC) motors and related parts; transformers; converters; inductors; parts of power supplies; resistors; capacitors; fuses; relays; contactors; connectors; alarm signaling indicators/equipment; electrical switches; surge suppressors; circuit and overload protectors; control panels; auxiliary switches; circuit breaker parts; interrupters; diodes; transistors; light emitting diodes; integrated circuit parts; insulated wire; coaxial cable; wiring harnesses; conductors; fiber optic cable; carbon electrodes; insulators (glass, ceramic); insulating fittings; temperature sensors; thermostats and related parts; monostats; voltage regulators; and, metal furniture (duty rate ranges from free to 6.7%; 5.25¢/bbl).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is February 26, 2014.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: January 10, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–00912 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–941]

Certain Kitchen Appliance Shelving and Racks From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review; 2011–2012

AGENCY: Enforcement and Compliance, Formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 4, 2013, the Department of Commerce ("Department") published the *Preliminary Results*[1] of the 2011–2012 administrative review of the antidumping duty order on certain kitchen appliance shelving and racks from the People's Republic of China: ("PRC"). The period of review ("POR") is September 1, 2011, through August 31, 2012. We gave interested parties an opportunity to comment on the *Preliminary Results,* but we received none. The final weighted-average dumping margin for the exporter covered by this administrative review, New King Shan (Zhu Hai) Wire Co., Ltd., is listed in the "Final Results of Review" section below.

DATES: *Effective Date:* January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Emeka Chukwudebe, AD/CVD Operations, Office 9, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0219.

SUPPLEMENTARY INFORMATION:

Background

The Department has conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended ("the Act").

[1] *See Certain Kitchen Appliance Shelving and Racks From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2011–2012,* 78 FR 54450 (September 4, 2013) ("*Preliminary Results*").

Scope of the Order

The scope of the order consists of shelving and racks for refrigerators, freezers, combined refrigerator-freezers, other refrigerating or freezing equipment, cooking stoves, ranges, and ovens ("certain kitchen appliance shelving and racks" or "the merchandise under order"). Certain kitchen appliance shelving and racks are defined as shelving, baskets, racks (with or without extension slides, which are carbon or stainless steel hardware devices that are connected to shelving, baskets, or racks to enable sliding), side racks (which are welded wire support structures for oven racks that attach to the interior walls of an oven cavity that does not include support ribs as a design feature), and subframes (which are welded wire support structures that interface with formed support ribs inside an oven cavity to support oven rack assemblies utilizing extension slides) with the following dimensions:

—shelving and racks with dimensions ranging from 3 inches by 5 inches by 0.10 inch to 28 inches by 34 inches by 6 inches; or

—baskets with dimensions ranging from 2 inches by 4 inches by 3 inches to 28 inches by 34 inches by 16 inches; or

—side racks from 6 inches by 8 inches by 0.1 inch to 16 inches by 30 inches by 4 inches; or

—subframes from 6 inches by 10 inches by 0.1 inch to 28 inches by 34 inches by 6 inches.

The merchandise under the order is comprised of carbon or stainless steel wire ranging in thickness from 0.050 inch to 0.500 inch and may include sheet metal of either carbon or stainless steel ranging in thickness from 0.020 inch to 0.2 inch. The merchandise under this order may be coated or uncoated and may be formed and/or welded. Excluded from the scope of this order is shelving in which the support surface is glass.

The merchandise subject to the order is currently classifiable in the Harmonized Tariff Schedule of the United States ("HTSUS") statistical reporting numbers 8418.99.8050, 8418.99.8060, 7321.90.5000, 7321.90.6090, 8516.90.8000, 7321.90.6040, 8516.90.8010 and 8419.90.9520. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

PRC-Wide Entity

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the initiation notice of the requested review. As noted in the *Preliminary Results,* Petitioners timely requested an administrative review for Jiangsu Weixi Group, Co. ("Weixi"), a company that previously has not received a separate rate in earlier segments of this proceeding. Petitioners were the only parties to request an administrative review of Weixi, and timely withdrew their request for review of Weixi.[2]

In the *Preliminary Results,* because the PRC-wide entity remained potentially under review for the final results of this administrative review, the Department did not rescind this review for Weixi, because it was part of the PRC-wide entity. The PRC-wide entity did not come under review for these final results. Therefore, for the final results the Department is rescinding this review with respect to Weixi, who remains part of the PRC-wide entity.

Final Results of the Review

The Department has made no changes to the *Preliminary Results.* As a result of our review, we determine that the following dumping margin exists for the period September 1, 2011, through August 31, 2012:

Exporter	Weighted-average dumping margin (%)
New King Shan (Zhu Hai) Co., Ltd.[3]	0.00

Assessment

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these final results of this review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. For any individually examined respondent whose weighted-average

[2] *See Preliminary Results,* 78 FR at 54450.

[3] In the *Preliminary Results,* the Department found New King Shan affiliated with certain entities and treated New King Shan and one affiliated entity to be a single entity. Because we have not made any changes to the *Preliminary Results,* we will assign this rate to New King Shan and its affiliated entity in this administrative review. *See Preliminary Results,* and accompanying Preliminary Decision Memorandum at pages 3–4.

dumping margin is above *de minimis* (*i.e.*, 0.50 percent), the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales.[4] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is above *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department announced a refinement to its assessment practice in NME cases.[5] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the NME-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For New King Shan (Zhu Hai) Co., Ltd., the cash deposit rate will be that established in the final results of this review; (2) for previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to the administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213(d)(4) and 19 CFR 351.213(h)(1).

Dated: January 13, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–00944 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

[5] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–913]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2012

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* January 17, 2014.

FOR FURTHER INFORMATION CONTACT: David Lindgren, Enforcement and Compliance, AD/CVD Operations, Office VII, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3870.

Background

On September 3, 2013, the Department of Commerce (Department) published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on certain new pneumatic off-the-road tires (OTR Tires) from the People's Republic of China (PRC) covering the period January 1, 2012 through December 31, 2013.[1] The Department received a timely request from Guizhou Tyre Co. Ltd. (GTC) for a CVD administrative review of itself.[2] No other interested party submitted a request for review. On November 8, 2013, the Department published a notice of initiation of an administrative review of the CVD order on OTR Tires from the PRC with respect to GTC.[3] On December 30, 2013, GTC timely withdrew its request for a review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. GTC timely submitted a withdrawal request within the 90-day period (*i.e.*, before February 6, 2014). Because the review request filed by GTC was the only request filed, we are rescinding this administrative review of the CVD order on OTR Tires from the PRC, consistent with 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess CVDs on all appropriate entries. GTC shall be assessed CVDs at rates equal to the cash deposit of estimated CVDs required at the time of entry, or

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 78 FR 54235 (September 3, 2013).

[2] *See* Letter to the Department from GTC regarding "Request for Administrative Review: Countervailing Duty Order on Certain New Pneumatic Off-The-Road Tires from the People's Republic of China (Case No: C–570–913) (POR: January 1, 2012–December 31, 2012)," dated September 30, 2013.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 78 FR 67104 (November 8, 2013).

[4] *See* Letter to the Department from GTC regarding "GTC Withdrawal of Review Request: Countervailing Duty Order on Certain New Pneumatic Off-The-Road Tires from the People's Republic of China (Case No: C–570–913) (POR: January 1, 2012–December 31, 2012)," dated December 30, 2013.

withdrawal from warehouse, for consumption, during the period January 1, 2012, through December 31, 2013, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 13, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–00908 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–999]

1,1,1,2-Tetrafluoroethane from the People's Republic of China: Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Katie Marksberry or Josh Startup, AD/CVD Operations, Office V, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–7906 and 202–482–5260, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 2013, the Department of Commerce ("Department") initiated the countervailing duty investigation of 1,1,1,2-Tetrafluoroethane from the People's Republic of China.[1] Currently, the preliminary determination is due no later than February 5, 2014.

Postponement of Due Date for Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, the Department may postpone making the preliminary determination until no later than 130 days after the date on which the administering authority initiated the investigation if the petitioner makes a timely request for an extension pursuant to section 703(c)(1)(A) of the Act. In the instant investigation, the petitioner made a timely request on January 7, 2014, requesting a postponement of the preliminary determination pursuant to 19 CFR 351.205(b)(2).[2] Therefore, pursuant to the discretion afforded the Department under section 703(c)(1)(A) of the Act and because the Department does not find any compelling reason to deny the request, we are fully postponing the due date until 130 days after the Department's initiation for the preliminary determination. Therefore, the deadline for the completion of the preliminary determination is now April 11, 2014.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: January 13, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–00947 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

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), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before February 6, 2014. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 13–031. Applicant: Max Planck Florida Institute, One Max Planck Way, Jupiter, FL 33458. Instrument: Field Emission Gun-Scanning Electron Microscope. Manufacturer: Carl Zeiss Microscopy, Germany. Intended Use: The instrument will be used to examine neural circuits and precisely identify "synaptic contacts" between neurons and distinguish between overlapping processes or actual synaptic contacts using 3D reconstruction of each process and its surroundings. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: July 22, 2013.

Docket Number: 13–042. Applicant: University of Washington Medical Center, 1959 NE Pacific Street, Seattle WA 98195–6100. Instrument: Transmission Electron Microscope—system type: Tecnai G2 Spirit BioTWIN. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to reveal the details of structures within cells and the matrix in which living cells are surrounded, and their alterations in disease settings. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: September 19, 2013.

Docket Number: 13–044. Applicant: University of Minnesota-Twin Cities, 421 Washington Avenue SE., Minneapolis, MN 55455. Instrument: Ultrafast Transmission Electron Microscope. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument will be used to study atomic-scale dynamic, non-equilibrium phenomena in a wide range of materials including polymer/carbon composite materials, polycrystalline graphene membranes, magnetic metal alloys, polycrystalline semiconducting alloys, biotic membranes and single-crystal elemental materials. Justification for Duty-Free Entry: There are no

[1] *See 1,1,1,2- Tetrofluoroethone from the People's Republic of Chino: Initiotion of Countervoiling Duty Investigotion,* 78 FR 73839 (December 9, 2013).

[2] *See* 19 CFR 351.205(e) and the petitioner's January 7, 2014 letter requesting postponement of the preliminary determination.

instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: October 22, 2013.

Docket Number: 13–045. Applicant: Embry-Riddle Aeronautical University, 600 S. Clyde Morris Blvd., Daytona Beach, FL 32114. Instrument: Scanning Electron Microscope Quanta 50 with Energy-Dispersive X-Ray Spectroscopy. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to examine titanium dioxide nanomaterials for photocatalysts and lithium-ion batteries, complex oxides nanomaterials such as metal-doped-strontium titanates, lead zirconate titanate for electronic applications, cellular solids for aerospace applications, carbon nanotubes and carbon-nanotube-reinforced polymers for aerospace composite applications and air sampling for industrial hygiene research applications. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: October 29, 2013.

Docket Number: 13–046. Applicant: UT-Battelle, LLC for the Dept. of Energy, One Bethel Valley Road, PO Box 2008, Oak Ridge, TN 37831–6138. Instrument: JEM–2100F Field Emission Transmission Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to examine the microstructures of materials in resolution down to the atomic lattice level, investigating microstructural changes resulting from radiation induced defect generation and its effects on materials behavior allowing for further development of fundamental scientific understanding of materials reactions to displacive-type radiation environments. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: November 7, 2013.

Docket Number: 13–047. Applicant: The Scripps Research Institute, 10550 North Torrey Pines Road, M/S BCC–206, La Jolla, CA 92037. Instrument: Transmission Electron Microscope—Talos. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument will be used to examine the architecture of biological assemblies to determine the manner in which they function and the mechanisms through which they interact with other cellular components, including viruses, cellular protein assemblies, nanoparticles, and cellular organelles. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: November 26, 2013.

Docket Number: 13–049. Applicant: The Regents of the University of Michigan, 210 Washtenaw Avenue, Ann Arbor, MI 48109. Instrument: Titan Krios Transmission Electron Microscope. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument will be used to study the structure of isolated cellular components, primarily proteins, to process computationally images of protein complexes and apply averaging techniques to calculate 3D models of the specimens under investigation. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: December 12, 2013.

Dated: January 6, 2014.

Gregory W. Campbell,

Director of Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2014–00910 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–886]

Polyethylene Retail Carrier Bags From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is rescinding its administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from the People's Republic of China (PRC) for the period of review (POR) August 1, 2012, through July 31, 2013.

DATES: *Effective Date:* January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Jerrold Freeman at 202–482–0180 or Minoo Hatten at 202–482–1690, 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 August 1, 2013, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on PRCBs from the PRC for the POR August 1, 2012, through July 31, 2013.[1] On August 30, 2013, the Department received a timely request from the petitioners, the Polyethylene Retail Carrier Bag Committee and its individual members, Hilex Poly Co., LLC and Superbag Corporation, to conduct an administrative review with respect to Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd. (collectively, Nozawa) in accordance with 19 CFR 351.213(b).[2] On October 2, 2013, in accordance with section 751(a) of the Tariff Act of 1930, as amended (Act) and 19 CFR 351.221(c)(1)(i), the Department initiated an administrative review of the antidumping duty order on PRCBs from the PRC with respect to Nozawa.[3]

On December 18, 2013, the petitioners timely withdrew their request for an administrative review of Nozawa.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, "in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review." The petitioners withdrew their request for review within the 90-day time limit. Because no other party requested a review, the Department is rescinding the administrative review of the antidumping duty order on PRCBs from the PRC in full, pursuant to 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of PRCBs from the PRC during the POR at rates equal to the cash deposit or bonding rate of

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 78 FR 46573 (August 1, 2013).

[2] *See* letter from the petitioners to the Department, "Polyethylene Retail Carrier Bags from the People's Republic of China: Request for Administrative Review" (August 30, 2013).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 60834 (October 2, 2013).

[4] *See* letter from the petitioners to the Department, "Polyethylene Retail Carrier Bags from the People's Republic of China: Withdrawal of Request for Administrative Review" (December 18, 2013).

estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: January 13, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–00907 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD083

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) ad hoc Ecosystem Workgroup (EWG) will hold a public work session in Portland, OR. The meeting is open to the public, but is not intended as a public hearing. Public comments will be taken at the discretion of the EWG chair as time allows.

DATES: The work session will begin at 1:30 p.m. on Monday, February 3, 2014 and will proceed until 5 p.m. or until business for the day is completed. The meeting will reconvene on Tuesday, February 4, 2014 at 8:30 a.m. and will proceed until 4 p.m. or until business for the day is completed.

ADDRESSES: The work session will be held at the Pacific Council office, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384, telephone: (503) 820–2280 (voice) or (503) 820–2299 (fax).

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The primary purpose of the work session is to develop a range of alternative measures for the protection of unmanaged and unfished forage species. These alternatives are intended to be presented for advanced review and for consideration by the Pacific Council, its advisory bodies, and the public at the April 2014 meeting of the Pacific Council in Vancouver, WA. The EWG may also discuss and consider recommendations to the Pacific Council regarding items of interest on the Pacific Council's March 2014 and/or April 2014 meeting agendas.

Although non-emergency issues not contained in the EWG meeting agendas may come before the EWG for discussion, those issues may not be the subject of formal EWG action during this meeting. EWG action will be restricted to those issues specifically listed in this document and to any issues arising after publication of this document requiring emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the EWG's intent to take final action to address the emergency.

Special Accommodations

This public meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 (voice), or (503) 820–2299 (fax) at least 5 days prior to the meeting date.

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

Dated: January 13, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–00806 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD036

Marine Mammals; File No. 16591

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Darlene Ketten, Ph.D., Woods Hole Oceanographic Institution, 266 Woods Hole Road, Woods Hole, MA 02543, has applied in due form for a permit to collect, receive, import, and export marine mammal parts for scientific research purposes.

DATES: Written, telefaxed, or email comments must be received on or before February 18, 2014.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 16591 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281–9328; fax (978) 281–9394.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific

reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Dr. Ketten is requesting a permit for the collection, receipt, and world-wide import/export of marine mammal and endangered species parts annually from up to 20 animals of each species from the orders of Cetacea (dolphins, porpoises and whales) and Pinnipedia (seals and sea lions, excluding walrus). Whole carcasses, heads, or temporal bones (ears) are requested from stranded animals in foreign countries that die prior to beaching or are euthanized upon stranding; animals that die in captivity in the U.S. and abroad; animals killed in legal subsistence hunts; and animals killed incidental to legal fisheries operations. No live animals would be taken or killed for the purpose of this research. Marine mammal ears will be studied using various methods including biomedical imaging and dissection and histology; computer modelling is used to estimate hearing abilities, calculate frequency distribution maps, determine how marine mammal ears withstand pressure changes, and understand how underwater noise affects hearing. The requested duration of the permit is five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 13, 2014.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–00913 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD075

Endangered Species; File No. 18136

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Larry Wood, LDWood BioConsulting, Inc., 425 Kennedy Street, Jupiter, FL 33468, has applied in due form for a permit to take hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before February 18, 2014.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18136 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)427–8401; fax (301)713–0376; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727)824–5312; fax (727)824–5309.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division.

- By email to *NMFS.Pr1Comments@noaa.gov* (include the File No. in the subject line of the email),
- By facsimile to (301)713–0376, or
- At the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Kristy Beard, (301)427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a five-year research permit to continue to describe the abundance and movements of an aggregation of hawksbill sea turtles found on the barrier reefs of southeast Florida. Up to 50 sea turtles would be approached during dives for observation and photographs annually. Up to 25 additional animals would be hand captured, measured, flipper and passive integrated transponder tagged, photographed, tissue sampled, and released annually. In addition, up to six sub-adult and six adult hawksbills would be captured for the above procedures and fitted with a satellite transmitter prior to their release.

Dated: January 10, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–00704 Filed 1–16–14; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to the Procurement List.

SUMMARY: The Committee is proposing to add a product to the Procurement List that will be furnished by the nonprofit agency employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: 2/17/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its

purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice will be required to procure the product listed below from the nonprofit agency employing persons who are blind or have other severe disabilities.

The following product is proposed for addition to the Procurement List for production by the nonprofit agency listed:

Product

NSN: 5180–01–441–6698—Tool Kit, Highway Safety, Compact
NPA: Development Workshop, Inc., Idaho Falls, ID
Contracting Activity: General Services Administration, Tools Acquisition Division II, Kansas City, MO
Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–00841 Filed 1–16–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice.

SUMMARY: This action adds products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Effective February 17, 2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 11/15/2013 (78 FR 68823–68824) and 11/22/2013 (78 FR 70022–70023), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. The action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

Cover, Certificate-Document, Gold Foil Stamped

NSN: 7510–00–NIB–1853—Green
NSN: 7510–00–NIB–9910—Burgundy
NSN: 7510–00–NIB–9917—Red
NPA: Dallas Lighthouse for the Blind, Inc., Dallas, TX
Contracting Activity: General Services Administration, New York, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Kit, Paint, Professional Grade

NSN: 8020–00–NIB–0051—6PC
NSN: 8020–00–NIB–0052—14PC
NSN: 8020–00–NIB–0054—4PC
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: General Services Administration, Tools Acquisition Division I, Kansas City, MO
Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration.

Sponge, All-Purpose, Nylon Mesh

NSN: 7920–00–NIB–0556—5″ x 3½″ x 1¼″
NSN: 7920–00–NIB–0569—7½″ x 4¼″ x 1¾″
NPA: New York City Industries for the Blind, Inc., Brooklyn, NY
Contracting Activity: General Services Administration, Fort Worth, TX
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–00840 Filed 1–16–14; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Thursday, January 23, 2014, 10 a.m.–12 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public

MATTER TO BE CONSIDERED: Briefing Matter: Section 1101 update (6(b)) NPR

A live Webcast of the Meeting can be viewed at *www.cpsc.gov/live.*

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: January 14, 2014.

Todd A. Stevenson,

Secretary.

[FR Doc. 2014–01006 Filed 1–15–14; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–HA–0007]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs, DoD announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the

proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 18, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Assistant Secretary of Defense for Health Affairs (OASD), Defense Health Agency—ATTN: Ms. Laura Johnson, 16401 East Centretech Parkway, Aurora, CO 80011–9066.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: TRICARE Dual Eligible Fiscal Intermediary (TDEFIC) Provider Satisfaction Survey; OMB Control Number 0720–0045.

Needs and Uses: This survey Wisconsin Physician Services (WPS) is to administer is a contract requirement that the Government has accepted and paid for as part of the contract award. This survey is conducted on a monthly basis, and the sample will be drawn from all providers that have had a claim processed in the previous week and therefore is not limited to just Network Providers. WPS will use the survey to assess provider satisfaction, attitudes, and perceptions regarding the claims processing and customer services provided by WPS for the TDEFIC in order to improve internal operations and customer services to increase provider satisfaction.

Affected Public: Individuals or households; Federal Government.

Annual Burden Hours: 11,700.

Number of Respondents: 46,800.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On Occasion.

The goal of this survey effort is to assess TRICARE Provider satisfaction attitudes and perceptions regarding claims processing and customer services provided by Wisconsin Physician Services (WPS) under the TRICARE Dual Eligible Fiscal Intermediary Contract. This survey is part of the WPS proposal in order to meet Section C.7.7.9. of the TRICARE contract language which states that: ''The contractor shall establish an approach for measuring whether the contractor's customer services are achieving highly satisfied TRICARE providers. The methods and procedures shall include measurement, calculation and reporting provider satisfaction. The contractor shall have established methods and procedures to mitigate and identify negative trends for provider satisfaction and allow WPS the feedback needed to take action to improve their customer services and serve the provider better. The survey will be conducted monthly and reported to TRICARE Management Activity.

Dated: January 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–00839 Filed 1–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 13–46]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 13–46 with attached transmittal, and policy justification.

Dated: January 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 8 2014

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 13-46, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services estimated to cost $150 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Transmittal No. 13–46

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

(i) *Prospective Purchaser:* United Arab Emirates

(ii) *Total Estimated Value:*

Major Defense Equipment *	$0 million.
Other	$150 million.
TOTAL	$150 million.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Follow on United States Marine Corps blanket order training, training support, and other related elements of program support for the United Arab Emirates Presidential Guard Command.

(iv) *Military Department:* Navy (TAM, A2)

(v) *Prior Related Cases, if any:*
FMS case TAM–$1.5M–14Apr11
FMS case TAM(A1)–$42.4M–12Oct11

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

* as defined in Section 47(6) of the Arms Export Control Act.

(viii) *Date Report Delivered to Congress:* 8 Jan 14

POLICY JUSTIFICATION

United Arab Emirates (UAE)—Blanket Order Training

The Government of the United Arab Emirates has requested a possible sale for follow on United States Marine Corps blanket order training, training support, and other related elements of program support for the United Arab Emirates Presidential Guard Command. The estimated cost is $150 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in the Middle East. The UAE continues host-nation support of vital U.S. forces stationed at Al Dhafra Air Base and plays a vital role in supporting U.S. regional interests.

The proposed sale will provide the continuation of U.S. Marine Corps training of the UAE's Presidential Guard for counterterrorism, counter-piracy, critical infrastructure protection, and national defense. The training also provides engagement opportunities through military exercises, training, and common equipment. The Presidential Guard currently uses these skills alongside U.S. forces, particularly in Afghanistan.

The proposed sale of this training will not alter the basic military balance in the region.

There will be no principal contractors associated with this proposed sale. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the permanent assignment of any U.S. Government or contractor representatives to the UAE. Training teams will travel to the country on a temporary basis.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2014–00853 Filed 1–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0008]

Notice of Availability (NOA) of an Environmental Assessment (EA) for the Demolition of Buildings 10, 11, and 67 at Defense Supply Center Richmond, Virginia

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice of Availability (NOA) of an Environmental Assessment (EA) for the Demolition of Buildings 10, 11, and 67 at Defense Supply Center Richmond, Virginia.

SUMMARY: The Defense Logistics Agency (DLA) announces the availability of an environmental assessment (EA) for the potential environmental impacts associated with the proposed action to demolish two warehouses (Buildings 10 and 11) and a former heat plant (Building 67) at Defense Supply Center Richmond, Virginia. The EA has been prepared as required under the National Environmental Policy Act (NEPA) (1969). In addition, the EA complies with DLA Regulation 1000.22. DLA has determined that the proposed action would not have a significant impact on the human environment within the context of NEPA. Therefore, the preparation of an environmental impact statement is not required.

DATES: The public comment period will end 30 days after publication of this NOA in the **Federal Register**. Comments received by the end of the 30-day period will be considered when preparing the final version of the document. The EA is available electronically at *http://www.dla.mil/Documents/CheckDraftBldgDemoEA11152013.docx.*

ADDRESSES: You may submit comments to one of the following:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd floor, Suite 02G09, Alexandria, VA 22350–3100.

FOR FURTHER INFORMATION CONTACT: Ann Engelberger at (703) 767–0705 during normal business hours Monday through Friday, from 8:00 a.m. to 4:30 p.m. (EST) or by email: *Ann.Engelberger@dla.mil.*

Dated: January 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–00886 Filed 1–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the National Commission on the Structure of the Air Force; Correction

AGENCY: Director of Administration and Management, DoD.

ACTION: Notice of advisory committee meeting; correction.

SUMMARY: The Department of Defense (DoD) announces a correction to its notice in the December 27, 2013 **Federal Register** (78 FR 78944–78946) of a Federal advisory committee meeting of the National Commission on the Structure of the Air Force ("the Commission") on Thursday, January 9, 2014, from 11:30 a.m. to 5:00 p.m. The published agenda did not include testimony from Dr. Scott Comes, Acting Director of the Office of DoD Cost Assessment and Program Evaluation (CAPE). No public commenters appeared before the Commission. For additional information, see the Commission's Web site at *http://afcommission.whs.mil.*

FOR FURTHER INFORMATION CONTACT: Mrs. Marcia Moore, Designated Federal Officer, National Commission on the Structure of the Air Force, 1950 Defense Pentagon, Room 3A874, Washington, DC 20301–1950. Email: *marcia.l.moore12.civ@mail.mil.* Desk (703) 545–9113. Facsimile (703) 692–5625.

SUPPLEMENTARY INFORMATION:

Background

The National Commission on the Structure of the Air Force was established by the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). The Department of Defense sponsor for the Commission is the Director of Administration and Management, Office of the Secretary of Defense. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2014 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the U.S. Air Force will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the U.S. Air Force in

a manner consistent with available resources.

Dated: January 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–00903 Filed 1–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Independent Review Panel on Military Medical Construction Standards; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Independent Review Panel on Military Medical Construction Standards ("the Panel") will take place.

DATES:

Thursday, February 6, 2014

8 a.m.–12:30 p.m. (Administrative Working Meeting)
12:30 p.m.–5 p.m. (Open Session)

Friday, February 7, 2014

7:30 a.m.–1:30 p.m. (Administrative Working Meeting)

ADDRESSES: Defense Health Headquarters (DHHQ), Pavilion Salon C, 7700 Arlington Blvd., Falls Church, Virginia 22042 (escort required; see guidance in **SUPPLEMENTARY INFORMATION,** "Public's Accessibility to the Meeting.")

FOR FURTHER INFORMATION CONTACT: The Director is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, (703) 681–6653, Fax: (703) 681–9539, *christine.bader@dha.mil.* For meeting information, please contact Ms. Camille Gaviola, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *camille.gaviola@dha.mil,* (703) 681–6686, Fax: (703) 681–9539.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting

At this meeting, the Panel will address the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year 2011 (Pub. L. 111–383), Section 2852(b) requirement to provide the Secretary of Defense independent advice and recommendations regarding a construction standard for military medical centers to provide a single standard of care, as set forth below:

a. Reviewing the unified military medical construction standards to determine the standards consistency with industry practices and benchmarks for world class medical construction;

b. Reviewing ongoing construction programs within the DoD to ensure medical construction standards are uniformly applied across applicable military centers;

c. Assessing the DoD approach to planning and programming facility improvements with specific emphasis on facility selection criteria and proportional assessment system; and facility programming responsibilities between the Assistant Secretary of Defense for Health Affairs and the Secretaries of the Military Departments;

d. Assessing whether the Comprehensive Master Plan for the National Capital Region Medical ("the Master Plan"), dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Pub. L. 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the Master Plan result in world class military medical centers in the National Capital Region; and

e. Making recommendations regarding any adjustments of the Master Plan that are needed to ensure the provision of world class military medical centers and delivery system in the National Capital Region.

Agenda

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the Panel meeting is open to the public from 12:30 p.m. to 5 p.m. on February 6, 2014. On February 6, 2014, the Panel will receive briefings from the Department to include an overview of the unified military medical construction standards and ongoing construction programs. Additionally, the Panel will receive a briefing on the Comprehensive Master Plan for the National Capital Region Medical.

Availability of Materials for the Meeting

A copy of the agenda or any updates to the agenda for the February 6–7, 2014 meeting, as well as any other materials presented in the meeting, may be obtained at the meeting.

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Camille Gaviola at the number listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 12 p.m. on Friday, January 31, 2014 to register and make arrangements for a DHHQ escort, if necessary. Public attendees requiring escort should arrive at the DHHQ Visitor's Entrance with sufficient time to complete security screening no later than 12:00 p.m. on February 6. To complete security screening, please come prepared to present two forms of identification and one must be a picture identification card.

Special Accommodations

Individuals requiring special accommodations to access the public meeting should contact Ms. Camille Gaviola at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements

Any member of the public wishing to provide comments to the Panel may do so in accordance with 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice.

Individuals desiring to provide comments to the Panel may do so by submitting a written statement to the Director (see the **FOR FURTHER INFORMATION CONTACT** section). Written statements should address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

If the written statement is not received at least five (5) business days prior to the meeting, the Director may choose to postpone consideration of the statement until the next open meeting.

The Director will review all timely submissions with the Panel Chairperson and ensure they are provided to members of the Panel before the meeting that is subject to this notice. After reviewing the written comments, the President and the Director may choose to invite the submitter to orally present

their issue during an open portion of this meeting or at a future meeting. The Director, in consultation with the Panel Chairperson, may allot time for members of the public to present their issues for review and discussion by the Panel.

Dated: January 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–00867 Filed 1–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2014–0001]

Proposed Collection; Comment Request

AGENCY: Department of Defense/ Department of the Air Force/ Headquarters, HQ AFPC/DPFF, Airman & Family Division.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 18, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the HQ AFPC/DPFF, Airman & Family Division, 550 C Street West, JBSA Randolph AFB, TX 78150, ATTN: Mr. Patrick Woodworth or call 210–565–3280.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Air Force Family Integrated Results & Statistical Tracking (AFFIRST) automated system; OMB Control Number 0701–0070.

Needs and Uses: The information collection requirement is necessary to record demographic information on Airman & Family Readiness Center (A&FRC) customers, results of the customer's visits, determine customer needs, service plan, referrals, workshop attendance and other related A&FRC activities and services accessed by the customer. Data is used to determine the effectiveness of A&FRC activities and services (results management) as well as collect and provide return on investment data to leadership. Information is compiled for statistical reporting to base, major commands, Headquarters United States Air Force, Department of Defense and Congress.

Affected Public: Individuals or households.

Annual Burden Hours: 15.

Number of Respondents: 60.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Respondents are A&FRC customers who seek services from A&FRC. A&FRC employees enter customer demographic/ service delivery information into AFFIRST per Air Force Instruction 36–3009, Airman and Family Readiness Centers, paragraphs 3.13.1–3.13.3.

Dated: January 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2014–00848 Filed 1–16–14; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Army

Preparation of Environmental Impact Statement for the Lease of Army Land at Schofield Barracks, Oahu, Hawaii for the Construction and Operation of a Biofuel-Capable Power Generation Plant

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The Department of the Army notifies interested parties of its intent to prepare a Joint Environmental Impact Statement (EIS) for the proposed lease of Army land at Schofield Barracks to the Hawaiian Electric Company ("Hawaiian Electric") for the construction and operation on that land of a 50-megawatt (MW) biofuel-capable power generation plant. This EIS is designed to meet the requirements of both the National Environmental Policy Act (NEPA) and the Hawaii Environmental Policy Act (HEPA) as a matter of efficiency and cooperation with the State's decision-making process. The decision makers, the Department of the Army and the Hawaii Department of Land and Natural Resources, will use the analysis in the EIS to determine the potential effects of implementing the proposed action and alternatives. The Army also intends to integrate this NEPA process with the consultation and public participation requirements of Section 106 of the National Historic Preservation Act.

ADDRESSES: Written comments on the scope of the EIS or a request to be added to the EIS distribution list may be submitted as follows: Email to *sgspcomments@tetratech.com;* Facsimile (fax) to 703–385–6007 (Attention: SGSP EIS); U.S. mail to Melissa DeSantis, Tetra Tech, Inc. (Attention: SGSP EIS, 10306 Eaton Place, Suite 340, Fairfax VA 22030).

FOR FURTHER INFORMATION CONTACT: For more information on the Army's proposed action, please contact Mr. Doug Waters, Army Energy Initiatives Task Force. Mr. Waters can be reached by phone at 703–601–0511, Monday through Friday from 8:00 a.m. to 5:00 p.m. eastern, or by email at *douglas.s.waters.civ@mail.mil.* For general information about the Army NEPA process, please contact the Public

Affairs Office of the Army Environmental Command at 210–466–1590 or 1–855–846–3940 (toll free), or by email at *usarmy.jbsa.aex.mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: The Army's proposed action, referred to as the Schofield Generating Station Project (SGSP), is a lease of 10.3 acres of land and a related 2.5 acre interconnection easement on Schofield Barracks to Hawaiian Electric, as well Hawaiian Electric's construction, ownership, operation, and maintenance of a 50 MW biofuel-capable power generation plant and 46-kilovolt subtransmission line.

The SGSP would be a source of renewable power that would provide an energy security service to Schofield Barracks, Wheeler Army Airfield, and Field Station Kunia if loss of service occurs from the normal sources of electricity supporting these installations. Any electricity produced from renewable biofuels would also help achieve the Army goals of producing renewable energy on Army-owned real property.

The SGSP would benefit Hawaiian Electric and the residents of Oahu. It would provide a quick-starting facility to help maintain grid stability; provide a facility at a higher elevation and away from coastlines; provide a physically secure facility on a military installation; and makes progress toward the Hawaii Renewable Portfolio Standard.

The SGSP would operate on a mix of biofuel and diesel, as required to meet Hawaiian Electric's Renewable Portfolio Standard and the Army's renewable energy goals, and may help sustain a local demand for biofuels. Since the SGSP would be multi-fuel capable, it would be able to run on a combination of fuels as necessary to ensure operations are economically viable and can continue under adverse operating conditions.

The EIS will assess the potential for direct, indirect, and cumulative effects on the human, natural, and cultural environment and identify mitigation measures for any adverse effects.

The EIS will examine two alternative operating scenarios for the proposed action. Under the first scenario, the SGSP would run approximately six hours per day, and consume up to eight million gallons of fuel per year. Under the second scenario, the SGSP would operate seven days a week and 24 hours per day, and would consume up to 31.5 million gallons of fuel per year.

The EIS will analyze a No Action Alternative, as prescribed by the Council on Environmental Quality (CEQ) regulations, to serve as the baseline against which the proposed action and alternatives are compared. Under this alternative, the SGSP would not be built. The EIS process will also examine whether there are additional reasonable alternatives that could meet the needs of both the Army and Hawaiian Electric.

Key resources of concern, for which potentially significant impacts could occur, include air quality, traffic, and stormwater. The Army is preparing supporting studies for those resources.

The Department of the Army encourages all interested members of the public, as well as federal, state, and local agencies to participate in the scoping process for the preparation of this EIS. Interested members may participate in scoping meetings, submit written comments, or both. Written comments will be accepted within a 45-day period following the publication of the Notice of Intent (NOI) in the **Federal Register**. Scoping meetings will be held on the Island of Oahu, Hawaii during the first week of February 2014. Notification of the locations and times for the meetings will be published in the *Honolulu Star-Advertiser.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–00888 Filed 1–16–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Navy

Reopening and Extending the Public Comment Period for the Notice of Intent To Prepare an Environmental Impact Statement for EA–18G Growler Airfield Operations at Naval Air Station Whidbey Island, Washington

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN) is reopening and extending the public scoping period for the notice of intent to prepare an Environmental Impact Statement (EIS) for EA–18G Growler Airfield Operations at Naval Air Station (NAS) Whidbey Island, Washington. This notice announces an extension of the public scoping period until January 31, 2014.

FOR FURTHER INFORMATION CONTACT: EA–18G EIS Project Manager (Code EV21/SS); Naval Facilities Engineering Command (NAVFAC) Atlantic, 6506 Hampton Boulevard, Norfolk, Virginia 23508.

SUPPLEMENTARY INFORMATION: On September 5, 2013 (78 FR 54635), the DoN published a notice of intent to prepare an EIS for EA–18G Growler Airfield Operations at NAS Whidbey Island, Washington and also announced public scoping meetings. DoN provided a 120-day public scoping period which ended on January 3, 2014. The original public scoping period was intended to avoid any complications or delays that could result from government shutdowns and the end of the calendar year.

This notice announces an extension of the public scoping period until January 31, 2014. Scoping comments may be submitted in writing to the EA–18G EIS Project Manager (Code EV21/SS); Naval Facilities Engineering Command (NAVFAC) Atlantic, 6506 Hampton Boulevard, Norfolk, Virginia 23508, or electronically via the project Web site (*http://www.whidbeyeis.com*). All written comments must be postmarked or received (online) by January 31, 2014, to ensure they become part of the official record.

Dated: January 14, 2014.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2014–00876 Filed 1–16–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

National Board for Education Sciences; Meeting

AGENCY: Institute of Education Sciences, U.S. Department of Education.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the National Board for Education Sciences (NBES). The notice also describes the functions of the Committee. Notice of this meeting is required by Section 10(a) (2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend the meeting.

DATES: January 31, 2014.

Time: 8:30 a.m. to 4:30 p.m. Eastern Standard Time

ADDRESSES: 80 F Street NW., Large Board Room, Washington, DC 20001

FOR FURTHER INFORMATION CONTACT: Ellie Pelaez, 555 New Jersey Avenue NW., Room 600 E, Washington, DC 20208; phone: (202) 219–0644; fax: (202) 219–1402; email: *Ellie.Pelaez@ed.gov.*

SUPPLEMENTARY INFORMATION: The National Board for Education Sciences is authorized by Section 116 of the Education Sciences Reform Act of 2002

(ESRA), 20 U.S.C. 9516. The Board advises the Director of the Institute of Education Sciences (IES) on, among other things, the establishments of activities to be supported by the Institute, on the funding for applications for grants, contracts, and cooperative agreements for research after the completion of peer review, and reviews and evaluates the work of the Institute.

On January 31, 2014, starting at 8:30 a.m., the Board meeting will commence and members will approve the agenda. From 8:35 to 9 a.m., the Board will hold elections for Chair and Vice Chair. At 9 a.m., there will be remarks from the former and new chair of the Board.

From 9:15 to 10:15 a.m., John Easton and the Commissioners of IES's national centers will then give an overview of recent developments at IES. A break will take place from 10:15 to 10:30 a.m.

The Board meeting will resume from 10:30 to 11:30 a.m. when the Board will discuss the topic, "Ongoing efforts to improve IES: Debriefing on the House Committee Hearing and GAO Report." Bridget Terry Long will provide the opening remarks and roundtable discussion will take place after. The meeting will break for lunch and annual ethics training from 11:30 to 1 p.m.

From 1 p.m. to 2:30 p.m., the Board will consider the topic, "Supporting English Language Learners." Following opening remarks by Sean Reardon of Stanford University, Gabriela Uro of the Council of Great City Schools, and Eileen de los Reyes of Boston Public Schools, Board members will engage in roundtable discussion of the issues raised. An afternoon break will take place from 2:30 to 2:45 p.m.

From 2:45 to 4:15 p.m., the Board will discuss the What Works Clearinghouse in regards to postsecondary education topics. After opening remarks from Ruth Neild, Commissioner of the National Center for Education Evaluation (NCEE) and Jeffrey Valentine, Principal Investigator for What Works Clearinghouse—Postsecondary Topics, the Board will engage in roundtable discussion of the topic.

Closing remarks and a consideration of next steps from the IES Director and NBES Chair will take place from 4:15 to 4:30 p.m., with adjournment scheduled for 4:30 p.m.

There will not be an opportunity for public comment. However, members of the public are encouraged to submit written comments related to NBES to Ellie Pelaez (see contact information above). A final agenda is available from Ellie Pelaez (see contact information above) and is posted on the Board Web site *http://ies.ed.gov/director/board/agendas/index.asp*. Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistance listening devices, or materials in alternative format) should notify Ellie Pelaez no later than January 24. We will attempt to meet requests for accommodations after this date but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

Records are kept of all Board proceedings and are available for public inspection at 555 New Jersey Avenue NW., Suite 602, Washington, DC 20208, from the hours of 9 a.m. to 5 p.m., Eastern Standard Time Monday through Friday.

Electronic Access to This Document: You may view this document, as well as other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/news/fedregister/index.html.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800; or in the Washington, DC are at (202) 512–0000.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to this official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *www.gpoaccess.gov/nara/index.html.*

John Q. Easton,

Director, Institute of Education Science.

[FR Doc. 2014–00893 Filed 1–16–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity: Notice of Membership

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Office of Postsecondary Education, Department of Education.

What is the purpose of this notice?

The purpose of this notice is to list the members of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). This notice is required under Section 114(e)(1) of the Higher Education Act (HEA) of 1965, as amended.

What is the role of NACIQI?

The NACIQI is established under Section 114 of the HEA, and its members are appointed—

(A) On the basis of the individuals' experience, integrity, impartiality, and good judgment;

(B) From among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education; and,

(C) On the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration of higher education.

The NACIQI meets at least twice a year and provides recommendations to the Secretary of Education pertaining to:

- The establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV of the HEA.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe by regulation.

Who are the current members of the committee?

The current members of the NACIQI are:

Members Appointed by Secretary of Education Arne Duncan With Terms Expiring September 30, 2019

- Susan D. Phillips, Ph.D., NACIQI Chair; Provost and Vice President for Academic Affairs, The State University of New York at Albany, Albany, New York.
- Simon J. Boehme, Student, Senior, Cornell University, Ithaca, New York.
- Roberta L. Derlin, Ph.D., Associate Provost, New Mexico State University, Las Cruces, New Mexico.
- Frank H. Wu, J.D., Chancellor and Dean, University of California, Hastings College of the Law, San Francisco, California.
- Federico Zaragoza, Ph.D., Vice Chancellor of Economic and Workforce

Development, Alamo Community College District, San Antonio, Texas.

• The 6th Secretarial appointment is in-process.

Members Appointed by the Speaker of the House of Representatives With Terms Expiring September 30, 2014

• Arthur Keiser, Ph.D., NACIQI Vice-Chair; Chancellor, Keiser University, Fort Lauderdale, Florida.

• George T. French, Jr., Ph.D., President, Miles College, Fairfield, Alabama.

• William E. Kirwan, Ph.D., Chancellor, University System of Maryland, College Park, Maryland.

• William Pepicello, Ph.D., President, University of Phoenix, Phoenix, Arizona.

• Arthur J. Rothkopf, J.D., President Emeritus, Lafayette College, Easton, Pennsylvania. (Mr. Rothkopf resides in Washington, DC).

• Carolyn G. Williams, Ph.D., President Emeritus, Bronx Community College, City University of New York, Bronx, New York.

Members Appointed by the President Pro Tempore of the Senate With Terms Expiring September 30, 2016

• William L. Armstrong, President, Colorado Christian University, Lakewood, Colorado.

• Jill Derby, Ph.D., Governance Consultant, Association of Governing Boards of Colleges and Universities, Washington, DC.

• Anne D. Neal, J.D., President, American Council of Trustees and Alumni, Washington, DC.

• Richard F. O'Donnell, Chief Revenue Officer, The Fullbridge Program, Cambridge, Massachusetts.

• Cameron C. Staples, J.D., President and Chief Executive Officer (CEO), New England Association of Schools and Colleges, Bedford, Massachusetts.

• Larry N. Vanderhoef, Ph.D., Chancellor Emeritus, University of California-Davis, Davis, California.

How can I obtain additional information?

If you have any specific questions about the NACIQI, please contact Carol Griffiths, Executive Director, NACIQI, telephone (202) 219–7009, fax (202) 502–7874, email: *Carol.Griffiths@ed.gov*, between 9:00 a.m. and 5:00 p.m., Monday through Friday.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Arne Duncan,

Secretary of Education.

[FR Doc. 2014–00830 Filed 1–16–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for a partially closed meeting of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

DATES: January 31, 2014.

ADDRESSES: The meeting will be held at the National Academy of Sciences, 2101 Constitution Avenue NW., Washington, DC in the Lecture Room.

FOR FURTHER INFORMATION CONTACT: Information regarding the meeting agenda, time, location, and how to register for the meeting is available on the PCAST Web site at: *http://whitehouse.gov/ostp/pcast*. A live video webcast and an archive of the webcast after the event are expected to be available at *http://whitehouse.gov/ostp/pcast*. The archived video will be available within one week of the meeting. Questions about the meeting should be directed to Dr. Ashley Predith at *apredith@ostp.eop.gov*, (202) 456–6039. Please note that public seating for this meeting is limited and is available on a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology (PCAST) is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from inside the White House, cabinet departments, and other Federal agencies. See the Executive Order at *http://www.whitehouse.gov/ostp/pcast*. PCAST is consulted about and provides analyses and recommendations concerning a wide range of issues where understandings from the domains of science, technology, and innovation may bear on the policy choices before the President. PCAST is co-chaired by Dr. John P. Holdren, Assistant to the President for Science and Technology, and Director, Office of Science and Technology Policy, Executive Office of the President, The White House; and Dr. Eric S. Lander, President, Broad Institute of the Massachusetts Institute of Technology and Harvard.

Type of Meeting: Open and Closed.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology (PCAST) is scheduled to meet in open session on January 31, 2014 from 9:00 a.m. to 12:00 p.m.

Open Portion of Meeting: During this open meeting, PCAST is tentatively scheduled to hear from speakers on the topics of (a) scientific reproducibility and big data and (b) the challenges and opportunities in science and technology at the Department of Commerce. Additional information and the agenda, including any changes that arise, will be posted at the PCAST Web site at: *http://whitehouse.gov/ostp/pcast*.

Closed Portion of the Meeting: PCAST may hold a closed meeting of approximately 1 hour with the President on January 31, 2014, which must take place in the White House for the President's scheduling convenience and to maintain Secret Service protection. This meeting will be closed to the public because such portion of the meeting is likely to disclose matters that are to be kept secret in the interest of national defense or foreign policy under 5 U.S.C. 552b(c)(1).

Public Comments: It is the policy of the PCAST to accept written public comments of any length, and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on January 31, 2014 at a time specified in the meeting agenda posted on the PCAST Web site at *http://whitehouse.gov/ostp/pcast*. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *http://whitehouse.gov/ostp/pcast,* no later than 12 p.m. Eastern Time on January 24, 2014. Phone or email reservations will not be accepted. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of up to 30 minutes. If more speakers register than there is space available on the agenda, PCAST will randomly select speakers from among those who applied. Those not selected to present oral comments may always file written comments with the committee. Speakers are requested to bring at least 25 copies of their oral comments for distribution to the PCAST members.

Written Comments: Although written comments are accepted continuously, written comments should be submitted to PCAST no later than 12 p.m. Eastern Time on January 24, 2014 so that the comments may be made available to the PCAST members prior to this meeting for their consideration. Information regarding how to submit comments and documents to PCAST is available at *http://whitehouse.gov/ostp/pcast* in the section entitled "Connect with PCAST."

Please note that because PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST Web site.

Meeting Accommodations: Individuals requiring special accommodation to access this public meeting should contact Dr. Ashley Predith at least ten business days prior to the meeting so that appropriate arrangements can be made.

Issued in Washington, DC, on January 13, 2014.

Carol A. Matthews,

Committee Management Officer.

[FR Doc. 2014–00865 Filed 1–16–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Trespassing on DOE Property: Fermi Site Office Properties

ACTION: Notice of designation of off-limits areas.

SUMMARY: The Department of Energy (DOE) hereby amends and adds to the previously published site descriptions of various DOE and contractor occupied buildings as off-limits areas. It is a federal crime for unauthorized persons to enter into or upon the Fermi National Accelerator Laboratory located in Kane and DuPage Counties in the State of Illinois. Unauthorized entry into or upon these properties may result in a fine and/or imprisonment.

DATES: *Effective Date:* January 1, 2014.

FOR FURTHER INFORMATION CONTACT: Jo Ann Williams, Office of General Counsel, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6899, or James Durante, III, Office of Chief Counsel, Office of Science Integrated Support Center Chicago Office, 9600 South Cass Ave., Argonne, Illinois 60439, (630) 252–2034.

SUPPLEMENTARY INFORMATION: The Department of Energy (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 10 CFR part 860, published in the **Federal Register** on September 14, 1993 (58 FR 47984), 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.

Accordingly, DOE prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into any building or structure and upon the Fermi National Accelerator site. Description of the site being designated at this time is as follows:

Sections 19, 20, 29, 30, and part of Section 16, 17, 18, 21, 28, 31, 32 & 33, all in Township 39 North, Range 9 East of the Third Principal Meridian, Winfield Township, DuPage County, Illinois, and part of Sections 13, 24, 25 & 36, all in Township 39 North, Range 8 East of the Third Principal Meridian, Batavia Township, Kane County, Illinois, described as follows: Beginning at the intersection of the centerline of Wilson Street and a line 50 feet Easterly of the centerline of Kirk Road in Kane County; thence Southerly parallel with and 50 feet Easterly of said centerline of Kirk Road to the Northeasterly Right of Way line of the abandoned Chicago, Aurora & Elgin Railroad; thence Southeasterly along said Northeast Railroad Right of Way line to a point on the Northerly Right of Way line of F.A. Route 131 (Illinois Route 56); thence Easterly 242.46 feet along said Northerly Right of Way line of F.A. Route 131 to a point; thence South 101.67 feet parallel with and 26 rods West of the East line of Section 36, Township 39 North, Range 8 East of the Third Principal Meridian to the centerline of F.A. Route 131; thence Easterly 436.14 feet along said Highway centerline to the East line of said section 36; thence North 101.67 feet along said East line of said Section 36 to the Northerly Right of Way of F.A. Route 131; thence Northeasterly along said Right of Way to the West line of a tract of land formerly owned by Commonwealth Edison Company and deeded to the Department of Business and Economic Development of the State of Illinois, and recorded as Document No. 69–48320 in DuPage County; thence Southerly along the West line of said property to the centerline of F.A. Route 131 (Illinois Route 56); thence Easterly along the centerline of F.A. Route 131 (Illinois Route 56) to the Southeast Corner of Lot 1 in C.H. Brummel's Assessment Plat of part of the West Half of Section 33 and part of the East Half of Section 32, Township 39 North, Range 9 East of the Third Principal Meridian, recorded February 17, 1940 as Documents No. 408024 in DuPage County, Illinois; thence North 1°06′ East along the East line of said Lot 1 in C.H. Brummel's Assessment Plat 77.8 feet to the centerline of Old Big Woods Road; thence Westerly along said centerline 20.2 feet; thence North 1°16′ East along an Easterly line of said Lot 1 in C.H. Brummel's Assessment Plat to the North line of Old Big Woods Road, said line also being the North line of F.A. Route 131 (Illinois Route 56); thence Easterly along said Northerly Right of Way line of P.A. Route 131 to the Westerly Right of Way line of the Elgin, Joliet & Eastern Railroad, thence Northerly along said Right of Way line to the South line of West Park, Subdivision in Section 16, Township 39 North, Range 9 East of the Third Principal Meridian; thence Westerly along the South line of said West Park Subdivision to the Southwest Corner of said Subdivision in the center of Town Line Road; thence Northerly 1178.15 feet along the centerline of Town Line Road to a point; thence South 89°04′36″ West 33 feet to the Westerly Right of Way line of Town Line Road; thence Northwesterly parallel with and 400 feet Southwesterly of the Southwesterly Right of Way line of Illinois Alternate Route 30 to the West line of Section 16, Township 39 North, Range 9 East of the Third Principal Meridian; thence North along said West line of Section 16 to the Northeast Corner of Section 17,

Township 39 North, Range 9 East of the Third Principal Meridian; thence West along the North line of said Section 17 to the Southeasterly Right of Way line of the Chicago, Burlington & Quincy Railroad; thence Southwesterly 2032.90 feet along said Railroad Right of Way line to a point; thence North 1°26′05″ West 553.67 feet to a point; thence South 63°33′04″ West 4703.41 feet to a point; thence South 0°36′45″ East 227.38 feet to the North line of the Southwest Quarter of Section 18, Township 39 North, Range 9 East of the Third Principal Meridian; thence South 87°42′45″ West 1185.14 feet along said North line of the Southwest Quarter of Section 18 to a point; thence South 0°28′15″ West 314.23 feet to a point; thence South 63°33′13″ West 2537.88 feet to a point; thence South 5°08′40″ West 500.49 feet to a point on the Southerly Right of Way line of the Chicago, Burlington & Quincy Railroad; thence Southwesterly along said Railroad Right of Way line to the North-South centerline of Section 13, Township 39 North, Range 8 East of the Third Principal Meridian; thence Southerly along said Section centerline and the North-South centerline of Section 24, Township 39 North, Range 8 East of the Third Principal Meridian to the centerline of Wilson Street; thence Westerly along said centerline to the Point of Beginning, excepting therefrom the Right of Way of the Chicago, Burlington & Quincy Railroad within the boundary herein described.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 are being posted at all entrances of the above-referenced areas and at intervals along their perimeters, as provided in 10 CFR 860.6.

If unauthorized entry into or upon these properties 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]

[1] By operation of law, the Criminal Fine Improvements Act of 1987, Public Law 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.

Issued in Washington DC.

Michael J. Weis,

Site Office Manager Fermi Site Office.

[FR Doc. 2014–00863 Filed 1–16–14; 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 rate filings:

Docket Numbers: ER14–962–000.
Applicants: Southwest Power Pool, Inc.
Description: 2642 Steele Flats Wind Project, LLC Interim GIA to be effective 12/13/2013.
Filed Date: 1/8/14.
Accession Number: 20140108–5096.
Comments Due: 5 p.m. ET 1/29/14.

Docket Numbers: ER14–963–000.
Applicants: TransAlta Wyoming Wind LLC.
Description: Notice of Succession to Market Based Rate Tariff to be effective 1/9/2014.
Filed Date: 1/8/14.
Accession Number: 20140108–5183.
Comments Due: 5 p.m. ET 1/29/14.

Docket Numbers: ER14–964–000.
Applicants: Pleasant Valley Wind, LLC.
Description: Pleasant Valley Wind LLC MBR Tariff Filing to be effective 3/10/2014.
Filed Date: 1/8/14.
Accession Number: 20140108–5191.
Comments Due: 5 p.m. ET 1/29/14.

Docket Numbers: ER14–965–000.
Applicants: Border Winds Energy, LLC.
Description: Border Winds Energy MBR Filing to be effective 3/10/2014.
Filed Date: 1/8/14.
Accession Number: 20140108–5192.
Comments Due: 5 p.m. ET 1/29/14.

Docket Numbers: ER14–966–000.
Applicants: Champlain VT, LLC.
Description: Application to Sell Transmission Rights at Negotiated Rates of Champlain VT, LLC.
Filed Date: 1/8/14.
Accession Number: 20140108–5211.
Comments Due: 5 p.m. ET 1/29/14.

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: *ttp://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: January 9, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00742 Filed 1–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–363–000.
Applicants: Millennium Pipeline Company, L.L.C.
Description: Annual Penalty Report of Millennium Pipeline Company, L.L.C.
Filed Date: 1/9/14.
Accession Number: 20140109–5072.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: RP14–364–000.
Applicants: Carolina Gas Transmission Corporation.
Description: IT Revenue Sharing filing of Carolina Gas Transmission Corporation.
Filed Date: 1/9/14.
Accession Number: 20140109–5093.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: RP14–365–000.
Applicants: Egan Hub Storage, LLC.
Description: NNSS Cleanup FOSA Exhibits to be effective 3/1/2014.
Filed Date: 1/10/14.
Accession Number: 20140110–5038.
Comments Due: 5 p.m. ET 1/22/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system by

clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00743 Filed 1–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–17–000]

New England Power Generators Association, Inc. v. ISO New England Inc.; Notice of Complaint

Take notice that on January 8, 2014, pursuant to section 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824(e) and 825(e), New England Power Generators Association, Inc. (Complainant) filed a formal complaint against ISO New England Inc. (Respondent) alleging that, Respondent's Transmission, Markets & Services Tariff is unjust and unreasonable. Complainant request that the Commission order the Respondent to revise its Transmission, Markets & Services Tariff to prevent price suppression that will result if capacity from resources whose Non-Price retirement Requests have been rejected by the Respondent for local reliability reasons is then counted against the Installed Capacity Requirement for purposes of the upcoming Forward Capacity Auction.

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent as listed in the Commission's list of Corporate Offiicals.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 21, 2014.

Dated: January 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00744 Filed 1–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–21–000]

Florida Gas Transmission Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Pompano Compressor Station 21.5 Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Pompano Compressor Station 21.5 Project involving construction and operation of facilities by Florida Gas Transmission Company, LLC (FGT) in Broward County, Florida. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on February 8, 2014.

You may submit comments in written form. Further details on how to submit written comments are in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

FGT provided landowners with a fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

FGT proposes to construct, own, and operate a new 22,000 horsepower electric compressor station; construct 3,100 feet of suction and discharge header piping; construct a new regulator station, and install appurtenant auxiliary facilities. According to FGT, its project would provide for increased delivery pressure of existing firm transportation volumes and increase the maximum delivery quantity for Florida Power & Light Company at FPL's Port Everglades delivery point.

The general location of the project facilities is shown in appendix 1.[1]

[1] The appendices referenced in this notice will not appear in the **Federal Register.** Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called "eLibrary" or from the

Continued

Land Requirements for Construction

Construction of the proposed facilities would disturb about 38.6 acres of land for the aboveground facilities and the pipeline. Following construction, FGT would maintain about 28.3 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- socioeconomics;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. 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 your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before February 8, 2014.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP14–21–000) 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 interested persons to submit brief, text-only comments on a project;

(2) You can 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.

Environmental Mailing List

The environmental mailing list includes: Federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an "intervenor" which is an

Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the "e-filing" link on the Commission's Web site.

Additional Information

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 at *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., CP14–21). 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 now 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 *http://www.ferc.gov/docs-filing/esubscription.asp*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: January 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–00787 Filed 1–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–24–000]

Bakken Hunter, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Gas Gathering Pipeline Project Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Gas Gathering Pipeline Project involving construction and operation of a gathering pipeline and associated facilities by Bakken Hunter, LLC (Bakken Hunter) in Divide County, North Dakota. The Commission will use this EA in its decision-making process to determine whether the project is in the public interest.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on February 10, 2014.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern. To submit written comments, please see the public participation section of this notice.

If you are a landowner receiving this notice, a Bakken Hunter representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. Bakken Hunter would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Proposed Project

Bakken Hunter plans to construct, own, and operate a natural gas gathering pipeline to transport gas from a multi-well oil field in Saskatchewan, Canada to a gas processing and distribution center owned by ONEOK Rockies Midstream, LLC in Divide County, North Dakota. The natural gas is currently being flared. This pipeline would allow the gas to be processed and sold for use in the United States. The facilities would include approximately 2.76 miles of 10-inch-diameter pipeline, of which approximately 1.02 miles would be in the United States. Additionally, Bakken Hunter would construct a pig [1] launcher in Canada, and a pig receiver in North Dakota.

The general location of the project facilities are shown in appendix 1.[2]

Land Requirements

Construction of the proposed facilities would disturb about 9.3 acres of agricultural land for the pipeline and pig receiver. Bakken Hunter would retain easement on the total acreage. Following construction, approximately .02 acre would be permanently maintained for operation of the pig receiver. The remaining land would be restored its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all

[1] A "pig" is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources, fisheries, and wetlands;
- vegetation and wildlife;
- endangered and threatened species;
- cultural resources;
- land use;
- air quality and noise;
- reliability and safety; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various environmental resources.

Our independent analysis of the issues will be presented in the EA. The EA will be available in the public record through the Commission's eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the North Dakota State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. 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 your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before February 10, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (CP14–24–000) 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 located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located 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.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the "e-filing" link on the Commission's Web site.

Additional Information

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., CP14–24). 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

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

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 *http://www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: January 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–00788 Filed 1–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP13–25–000; CP13–27–000]

Cameron LNG, LLC and Cameron Interstate, LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Cameron Liquefaction Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Cameron Liquefaction Project (Project), proposed by Cameron LNG, LLC and Cameron Interstate Pipeline, LLC (collectively Cameron) in the above-referenced docket. Cameron requests authorization to export 12 million tons of liquefied natural gas (LNG) per year from its terminal in Cameron and Calcasieu Parishes, Louisiana.

The draft EIS assesses the potential environmental effects of the construction and operation of the Cameron Liquefaction Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with the mitigation measures recommended in the EIS, would ensure that impacts in the Project area would be avoided or minimized and would not be significant. Construction and operation of the Project would result in mostly temporary and short-term environmental impacts; however, some long-term and permanent environmental impacts would occur.

The U.S. Army Corps of Engineers (COE), U.S. Coast Guard, U.S. Department of Energy (DOE), and U.S. Department of Transportation (DOT) participated as cooperating agencies in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The COE and DOE will adopt and use the EIS in issuing their respective permits. The U.S. Coast Guard and DOT cooperated in the preparation of this EIS because of their special expertise with respect to resources potentially affected by the proposal. Although the cooperating agencies provided input to the conclusions and recommendations presented in the draft EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision for the Project.

The Project would use the facilities at the existing Cameron LNG Terminal, including the existing berthing facilities and LNG storage tanks, as well as the existing Cameron Interstate Pipeline. Operation of the Project would not increase LNG carrier traffic beyond that previously authorized for the existing Cameron LNG Terminal. The draft EIS addresses the potential environmental effects of the construction and operation of the following Project facilities:

- Three separate systems that liquefy natural gas, each capable of producing 4 million metric tons per year of LNG for export;
- one 160,000-cubic-meter, full-containment LNG storage tank;
- refrigerant make-up and condensate product storage;
- truck loading/unloading area;
- one marine work dock for delivery of equipment and construction materials;
- minor modifications to existing terminal facilities;
- 21 miles of 42-inch-diameter pipeline;
- one 56,820-horsepower compressor station; and
- ancillary facilities.

The FERC staff mailed copies of the draft EIS 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. Everyone on our environmental mailing list will receive a CD version of the draft EIS. In addition, the draft EIS is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies 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.

If you would like a hard copy of the draft EIS, please contact the Public Reference Room.

Any person wishing to comment on the draft EIS may do so. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments before March 3, 2014.

For your convenience, there are four methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket numbers (CP13–25–000 and CP13–27–000) 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 file your comments electronically by 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." If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; 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.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend the public comment meeting its staff will conduct in the Project area to receive comments on the draft EIS. We encourage interested groups and individuals to attend and present oral comments on the draft EIS. Transcripts of the meetings will be available for review in eLibrary under the Project docket numbers. The meeting will begin at 7:00 p.m. and is scheduled as follows:

Date	Location
February 13, 2014	Holiday Inn Lake Charles—West Sulphur (Indigo Meeting Room) 330 Arena Road, Sulphur, LA 70665, (337) 527–0858.

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 Part 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.

Questions?

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC (*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., CP13–25 and CP13–27). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnline Support@ferc.gov* or toll free at (866) 208–3676; 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 that 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 *http://www.ferc.gov/docs-filing/esubscription.asp.*

Dated: January 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–00786 Filed 1–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EG14–1–000, EG14–2–000, EG14–3–000, et al.]

Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status

	Docket Nos.
Burgess Biopower LLC	EG14–1–000.
West Deptford Energy, LLC	EG14–2–000.
Miami Wind I LLC	EG14–3–000.
PE Hydro Generation, LLC	EG14–4–000.
Seneca Generation, LLC	EG14–5–000.
Lake Lynn Generation, LLC	EG14–6–000.
All Dam Generation, LLC	EG14–7–000.
Yellow Jacket Energy, LLC	EG14–8–000.
Gibson City Energy Center, LLC	EG14–9–000.
Elgin Energy Center, LLC	EG14–10–000.
Grand Tower Energy Center, LLC	EG14–11–000.
Lakeswind Power Partners, LLC	EG14–12–000.
Boryszewo Wind Invest Sp. Zoo	FC14–1–000.
Krupy Wind Invest Sp. Zoo	FC14–2–000.
Nowy Jaroslaw Invest Sp. Zoo	FC14–3–000.
Stary Jarolslaw Invest Sp. Zoo	FC14–4–000.
Sandringham Solar Energy Partnership	FC14–5–000.
Woodville Solar Energy Partnership	FC14–6–000.
Bettyhill Wind Energy Limited	FC14–7–000.
Gorzyca Wind Invest Sp. Zoo	FC14–8–000.
Pekanino Wind Invest Sp. Zoo	FC14–9–000.

Take notice that during the month of December 2013, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: January 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–00790 Filed 1–16–14; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14345–001—Michigan]

Rock River Beach, Inc., Rock River Beach Hydroelectric Project; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure [1] provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding. The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Michigan State Historic Preservation Office (Michigan SHPO) and the Advisory Council on Historic Preservation (Advisory Council) pursuant to the Advisory Council's regulations, 36 CFR Part 800, implementing section 106 of the National Historic Preservation Act, *as amended,* (16 U.S.C. 470f), to prepare a Programmatic Agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places that could be affected by issuance of an original license for the Rock River Beach Hydroelectric Project No. 14345.

The programmatic agreement, when executed by the Commission and the Missouri SHPO, would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission's responsibilities pursuant to section 106 for the project would be fulfilled through the Programmatic Agreement, which the Commission staff proposes to draft in consultation with certain parties listed below. The executed Programmatic Agreement would be incorporated into any Order issuing a license.

Rock River Beach, Inc., as applicant for the Rock River Beach Hydroelectric Project, is invited to participate in consultations to develop the Programmatic Agreement. For purposes of commenting on the programmatic agreement, we propose to restrict the service list for Project No. 14345 as follows:

John Eddins or Representative, Advisory Council on Historic Preservation, The Old Post Office Building, Suite 803, 1100 Pennsylvania Avenue NW., Washington, DC 20004

Mary C. Edgar, Rock River Beach, Inc., 2617 Rockwood Drive, East Lansing, MI 48823

Brian Grennell or Representative, Michigan State Historic Preservation Office, 702 West Kalamazoo Street, Lansing, MI 48909

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason(s) why there is an interest to be included. Also please identify any concerns about historic properties, including Traditional Cultural Properties. If historic properties are to be identified within the motion, please use a separate page, and label it NON–PUBLIC Information.

The Commission strongly encourages electronic filing. Please file motions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14345–001.

If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions within the 15-day period.

Dated: January 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–00789 Filed 1–16–14; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2010.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0478; FRL–9905–57–OAR]

Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: Gasoline Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), Regulation of Fuels and Fuel Additives: Gasoline Volatility (EPA ICR No. 1367.10, OMB control No. 2060–0178), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through July 31, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

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

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–0478, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, Mail Code 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9303; fax number: (202) 343–2802; email address: *caldwell.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will

be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Gasoline volatility, as measured by Reid Vapor Pressure (RVP) in pounds per square inch (psi), is controlled in the spring and summer in order to minimize evaporative hydrocarbon emissions from motor vehicles. RVP is subject to a federal standard of 7.8 psi or 9.0 psi, depending on location. The addition of ethanol to gasoline increases the RVP by about 1 psi. Gasoline that contains 9 volume percent to 10 volume percent ethanol is subject to a standard that is 1.0 psi greater. As an aid to industry compliance and EPA enforcement, the product transfer document (PTD), which is prepared by the producer or importer and which accompanies a shipment of gasoline containing ethanol, is required by regulation to contain a legible and conspicuous statement that the gasoline contains ethanol and the percentage concentration of ethanol. This is intended to deter the mixing within the distribution system, particularly in retail storage tanks, of gasoline with ethanol in the 9 percent to 10 percent range with gasoline which does not contain ethanol in that range. Such mixing would likely result in a gasoline which is in violation of its RVP standard. Also, a party wishing a testing exemption for research on gasoline that is not in compliance with the applicable volatility standard must submit certain information to EPA. EPA has additional PTD requirements for gasoline containing ethanol at 40 CFR 80.1503. Those requirements are covered in a separate ICR.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are those who produce or import gasoline containing ethanol, or who wish to obtain a testing exemption.

Respondent's obligation to respond: Mandatory per 40 CFR 80.27(d) and (e).

Estimated number of respondents: 2,000.

Frequency of response: On occasion.

Total estimated burden: 12,330 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1.1 million, includes $20 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The use of ethanol in gasoline has increased slightly, but that has been offset by a slight decrease in gasoline consumption.

Dated: January 13, 2014.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2014–00934 Filed 1–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9013–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 01/06/2014 Through 01/10/2014 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20140002, Final EIS, USFS, OR, Mt. Hood Meadows Parking Improvements, Review Period Ends: 03/04/2014, Contact: Jennie O'Connor Card 406–522–2537.

EIS No. 20140003, Final EIS, USFWS, TX, Comal County Regional Habitat Conservation Plan, Review Period Ends: 02/18/2014, Contact: Marty Tuegel 505–248–6651.

EIS No. 20140004, Final EIS, USFWS, IN, Fowler Ridge Wind Farm Final EIS, Review Period Ends: 02/18/2014, Contact: Scott Pruitt 812–334–4261.

EIS No. 20140005, Draft EIS, NPS, NV, Jimbilnan, Pinto Valley, Black Canyon, Eldorado, Ireteba Peaks, Nellis Wash, Spirit Mountain, and Bridge Canyon Wilderness Areas Draft Wilderness Management Plan, Comment Period Ends: 03/23/2014, Contact: Greg Jarvis 303–969–2263.

EIS No. 20140006, Draft EIS, NPS, VA, Dyke Marsh Wetland Restoration and Long-term Management Plan, Comment Period Ends: 03/18/2014, Contact: Brent Steury 703–289–2500.

EIS No. 20140007, Final EIS, USFS, WY, Shoshone National Forest Land Management Plan Revision, Review Period Ends: 03/24/2014, Contact: Carrie Christman 307–578–5118.

EIS No. 20140008, Second Draft EIS (Tiering), FHWA, MO, Route I–70 Jackson County, from West of The Paseo Interchange to East of the Blue Ridge Cutoff Interchange, Comment Period Ends: 03/07/2014, Contact: Raegan Ball 573–638–2620.

EIS No. 20140009, Draft EIS, FERC, LA, Cameron LNG Liquefaction Project, Comment Period Ends: 03/03/2014, Contact: Danny Laffoon 202–502–6257.

EIS No. 20140010, Draft EIS, NPS, FL, East Everglades Expansion Area, Land Acquisition, Comment Period Ends: 03/18/2014, Contact: Brien Culhane 305–242–7717.

EIS No. 20140011, Final EIS, USACE, NV, Truckee Meadows Flood Control Project, Review Period Ends: 02/18/2014, Contact: Dan Artho 916–557–7723.

Amended Notices

EIS No. 20130363, Draft EIS, DOI, 00, PROGRAMMATIC-Deepwater Horizon Oil Spill Natural Resource Damage Assessment Early Restoration Plan, Comment Period Ends: 02/19/2014, Contact: Nanciann Regalado 678–296–6805. Revision to FR Notice Published 12/13/2013; Extending the

Comment Period from 02/04/2014 .0to 02/19/2014.

EIS No. 20130367, Draft Supplement, USFS, MT, Miller West Fisher Project, Comment Period Ends: 02/03/2014, Contact: Leslie McDougall 406–295–7431. Revision to FR Notice Published 12/20/2013; Retracted by the request of the preparing agency.

Dated: January 14, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–00929 Filed 1–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0069; FRL–9904–61]

Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions were granted during the period April 1, 2013 to September 30, 2013 to control unforeseen pest outbreaks.

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0069, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

EPA has granted emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific.

Under FIFRA section 18, EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A "specific exemption" authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.

2. "Quarantine" and "public health" exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.

3. A "crisis exemption" is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in "a reasonable certainty of no harm" to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the "reasonable certainty of no harm standard" of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, and the duration of the exemption.

III. Emergency Exemptions

A. U.S. States and Territories

Alabama

Department of Agriculture and Industries

Specific exemption: EPA authorized the use of mandipropamid on greenhouse grown basil to control downy mildew; April 19, 2013 to December 31, 2013.

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; May 1, 2013 to December 31, 2013.

Arkansas

State Plant Board

Specific exemption: EPA authorized the use of anthraquinone on rice seed to repel blackbirds; May 9, 2013 to June 15, 2013.

California

Department of Pesticide Regulation

Specific exemption: EPA authorized the use of mandipropamid on greenhouse and shade house grown basil to control downy mildew; June 20, 2013 to June 19, 2014.

Specific exemption: EPA authorized the use of methoxyfenozide on dates to control carob moth; July 11, 2013 to October 15, 2013.

Delaware

Department of Agriculture

Specific exemption: EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

Specific exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

Illinois

Department of Agriculture

Specific exemption: EPA authorized the use of mandipropamid on basil to control downy mildew; April 5, 2013 to October 15, 2013.

Kansas

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; April 9, 2013 to December 31, 2013.

Louisiana

Department of Agriculture and Forestry

Specific exemption: EPA authorized the use of fluxapyroxad on rice to control sheath blight; May 1, 2013 to August 1, 2013.

Specific exemption: EPA authorized the use of imidacloprid on sugarcane to control West Indian canefly on May 23, 2013; Effective dates June 1, 2013 to August 31, 2013.

Maryland

Department of Agriculture

Specific exemption: EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

Specific exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

Michigan

Department of Agriculture and Rural Development

Crisis exemption: EPA concurred with the reduced preharvest interval for the use of spinetoram on blueberries to control spotted wing drosophila; July 9, 2013.

Specific exemption: EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to November 30, 2013.

New Jersey

Department of Environmental Protection

Specific exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; July 16, 2013 to October 15, 2013.

Specific exemption: EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; August 2, 2013 to October 15, 2013.

New Mexico

Department of Agriculture

Specific exemption: EPA authorized the use of spirotetramat on dry bulb onions to control thrips; April 12, 2013 to October 31, 2013.

New York

Department of Environmental Conservation

Specific exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

North Carolina

Department of Agriculture and Consumer Services

Specific exemption: EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

Specific exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

Oklahoma

Department of Agriculture, Food, and Forestry

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; May 1, 2013 to December 31, 2013.

Oregon

Department of Agriculture

Specific exemption: EPA authorized the use of fipronil on rutabaga and turnip to control the cabbage maggot; June 24, 2013 to September 30, 2013.

Pennsylvania

Department of Agriculture

Specific exemption: EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

Specific exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

Specific exemption: EPA authorized the use of etofenprox to control sciarid and phorid flies in mushroom houses; September 6, 2013 to September 6, 2014.

South Carolina

Department of Pesticide Regulation

Specific exemption: EPA authorized the use of fluridone on cotton to control glyphosate-resistant Palmer amaranth; April 15, 2013 to August 1, 2013.

Tennessee

Department of Agriculture

Specific exemption: EPA authorized the use of sodium salt of fomesafen on immature soybean (edamame) to control glyphosate-resistant Palmer amaranth; July 1, 2013 to July 31, 2013.

Virginia

Department of Agriculture and Consumer Services

Specific exemption: EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

Specific exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

Washington

State Department of Agriculture

Specific exemption: EPA authorized the use of lambda-cyhalothrin on asparagus to control European asparagus aphid (*Brachycolus asparagi*); June 28, 2013 to September 30, 2013.

West Virginia

Department of Agriculture

Specific exemption: EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

Specific exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

B. Federal Departments and Agencies

Agriculture Department

Quarantine exemption: EPA authorized the use of ethylene oxide (ETO) to sterilize the interior surfaces of enclosed animal and auxiliary isolator units at the National Veterinary Services Laboratories and the National Animal Disease Center. May 14, 2013 to December 31, 2014.

National Aeronautics and Space Administration

Specific exemption: EPA authorized the use of ortho-phthalaldehyde (OPA) to control aerobic/microaerophilic water bacteria in the internal active thermal control system coolant of the International Space Station; August 9, 2013 to August 8, 2014.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: January 10, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–00926 Filed 1–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0026; FRL–9904–69]

Pesticide Products; Registration Applications for New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received several applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before February 18, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EPA File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Antimicrobials Division (AD) (7510P), email address: *ADFRNotices@epa.gov;* and Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), email address: *BPPDFRNotices@epa.gov;* main telephone number: (703) 305–7090, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications

EPA has received several applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will generally be an additional opportunity for a public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process (*http://www.epa.gov/pesticides/regulating/registration-public-involvement.html*). EPA received the following applications to register pesticide products containing an active ingredient not included in any currently registered products:

1. *EPA File Symbol:* 81179–G. *Docket ID Number:* EPA–HQ–OPP–2013–0759. *Applicant:* BioProdex, Inc., 8520 NW. 2nd Pl., Gainesville, FL 32607–1423. *Active ingredient: Tobacco mild green mosaic tobamovirus* U2. *Product Type:* Herbicide. *Proposed Uses:* Post-emergent herbicide for control of tropical soda apple (*Solanum viarum*) in or on forestry areas, grass and grass-legume pastures, rangeland, sod-production fields, turf, Conservation Reserve Program areas, other natural areas (e.g., wildlife management areas and Florida Greenways and Trails), and rights-of-way (e.g., power lines, railroads, and fire lanes). (BPPD)

2. *EPA File Symbol:* 89265–R. *Docket ID Number:* EPA–HQ–OPP–2013–0792. *Applicant:* Noxilixer, Inc., 1450 South Rolling Rd., Baltimore, MD 21227. *Active ingredient:* Dinitrogen Tetroxide/Nitrogen Dioxide. *Product Type:* Gaseous sterilant. *Proposed Uses:* Industrial, Commercial and Institutional Facilities. (AD).

List of Subjects

Environmental protection, Pesticides and pests.

Dated: January 9, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–00927 Filed 1–16–14; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Regular Meeting

AGENCY: Farm Credit System Insurance Corporation Board.

SUMMARY: Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

Date and Time: The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 23, 2014, from 1:00 p.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- December 12, 2013

B. New Business

- Review of Insurance Premium Rates
- Report on Investment Portfolio

Dated: January 14, 2014.

Dale L. Aultman,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 2014–00889 Filed 1–16–14; 8:45 am]

BILLING CODE 6710–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of: 10340, Canyon National Bank, Palm Springs, California

Notice is hereby given that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Canyon National Bank, Palm Springs, California ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of Canyon National Bank on February 11, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated at Washington, DC, this 13th day of January, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–00794 Filed 1–16–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10130, Partners Bank, Naples, FL

Notice is hereby given that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Partners Bank, Naples, FL ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of Partners Bank on October 23, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated at Washington, DC, this 14th day of January 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–00905 Filed 1–16–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies

owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 13, 2014.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Tulsa Valley Bancshares Corporation,* Tulsa, Oklahoma; to acquire 100 percent of the voting shares of Lake Bancshares Corporation, and thereby indirectly acquire Bank of the Lakes, N.A., both in Owasso, Oklahoma.

Board of Governors of the Federal Reserve System, January 14, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–00843 Filed 1–16–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 3, 2014.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. *TriState Capital Holdings, Inc.,* Pittsburgh, Pennsylvania; to acquire Chartwell Investment Partners, L.P., Berwyn, Pennsylvania, and thereby engage in financial and investment advisory activities, pursuant to section 225.28(b)(6).

Board of Governors of the Federal Reserve System, January 14, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–00844 Filed 1–16–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 9:00 a.m., January 27, 2014.

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Parts will be open to the public and parts closed to the public.

MATTERS TO BE CONSIDERED:

Parts Closed to the Public at 9:00 a.m.

1. Procurement

Parts Open to the Public at 10:00 a.m.

1. Monthly Reports
   a. Monthly Participant Activity Report
   b. Monthly Investment Policy Report
   c. Legislative Report
2. Audit Status
3. Quarterly Vendor Financials
4. Budget Review
5. Annual Expense Ratio Review

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: January 14, 2014.

James B. Petrick,

Secretary, Federal Retirement Thrift Investment Board.

[FR Doc. 2014–00959 Filed 1–14–14; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[CMS–0041–N]

Modified Policy on Freedom of Information Act Disclosure of Amounts Paid to Individual Physicians Under the Medicare Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice sets forth a new policy regarding requests made under the Freedom of Information Act for information on amounts paid to individual physicians under the Medicare program in which CMS will make case-by-case determinations as to whether exemption 6 of the Freedom of Information Act applies to a given request for such information.

DATES: This notice is effective on March 18, 2014.

FOR FURTHER INFORMATION CONTACT: Grace Im (202) 260–6770.

SUPPLEMENTARY INFORMATION:

I. Background

In a previous policy on the disclosure of amounts paid to individual physicians under the Medicare program, which was set forth in the November 28, 1980 **Federal Register** (45 FR 79172), the Secretary of the Department of Health, Education, and Welfare (which later became the Department of Health and Human Services (the Department)) stated that, in considering the two competing interests of public transparency and privacy, the public interest in the Department's disclosure of the amounts that had been paid to individual physicians under the Medicare program was not sufficient to compel disclosure under the Freedom of Information Act. The policy change was premised on two courts having found a compelling privacy interest on the part of the physicians. *See, Florida Medical Association, Inc., et al.* v. *Department of Health, Education, and Welfare, et al.* (M.D. Fla. 1979) and *The American Staffs of Private Hospitals, Inc., et al.* v. *Health Care Financing Administration, et al.* (E.D. La. 1980). However, the policy was expressly published in response to the *Florida Medical Association* district court's issuance of a permanent injunction, which barred the Department of Health, Education, and Welfare from disclosing identifiable annual Medicare reimbursement payments of individual physicians or disclosure of payments in a manner that could identify individual physicians.

That district court vacated its permanent injunction on May 31, 2013 after determining that such a broad injunction was no longer authorized under the Privacy Act after the U.S. Court of Appeals for the Eleventh Circuit's decision in *Edison* v. *Department of the Army* (11th Cir. 1982), and thus its continued enforcement was no longer equitable. Following the court's decision, CMS solicited public comment on August 6, 2013 on its proposed policies with respect to disclosure of individual physician payment information.[1]

II. Provisions of the Notice

The Secretary has considered the court's decision and the wide spectrum of public comments received by CMS. In doing so, the Department has decided to replace the prior policy, as set forth in the November 28, 1980 **Federal Register** (45 FR 79172), with a new policy in which CMS will make case-by-case determinations as to whether exemption 6 of the Freedom of Information Act applies to a given request for information pertaining to the amounts that were paid to individual physicians under Medicare. Exemption 6 requires CMS to weigh the balance between the privacy interest of individual physicians and the public interest in disclosure of such information. As the outcome of the balancing test will depend on the circumstances, the outcomes of these analyses may vary depending on the facts of each case. However, in all cases, we are committed to protecting the privacy of Medicare beneficiaries.

Dated: January 6, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: January 6, 2014.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–00808 Filed 1–14–14; 11:15 am]

BILLING CODE 4120–01–P

[1] CMS, "Request for Public Comments on the Potential Release of Medicare Physician Data" (August 6, 2013), available at: *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/Medicare-Provider-Charge-Data/Public-Comment.html.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day 14–13AHG]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov*. Send written comments to 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

Evaluation of Food Safety Programs—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Local and state food safety programs (FSPs) are on the frontline of foodborne disease prevention in United States (U.S.). Through the Environmental Health Specialists Network (EHS-Net)(OMB No. 0920–0792, Expiration 2/28/2015), CDC currently funds and works with local and state health departments in five states (California, New York, Minnesota, Rhode Island, and Tennessee) to: (1) Identify environmental antecedents (underlying factors) to illness and disease outbreaks; (2) translate findings into improved prevention efforts using a systems-based approach; (3) offer training opportunities to current and future environmental health specialists; and (4) strengthen collaboration among epidemiology, laboratory, and environmental health programs. This CDC program offers insights into the current status of FSPs among EHS-Net partners, but information is lacking on a national scale.

The current tight fiscal environment faced by U.S. health departments has led to a significant reduction in funding for public health programs, such as food safety. For example, 57 percent of local health departments reduced or eliminated at least one public health program during 2011. Therefore, the CDC is requesting for a two-year OMB approval to conduct the "Evaluation of Food Safety Programs" survey among a representative sample of local and state health departments implementing FSPs in the U.S.

The purpose of this evaluation of local and state FSPs is to collect descriptive data on their current status and activities, to describe changes in their status and activities from 2007 to 2012, and to determine if there is a relationship between funding status and activities. Data will be collected on food safety activities, workforce capacity and competency, financial resources, community health, and demographics of FSPs. Data collected will help CDC better understand the relationship between different levels of funding and FSP effectiveness in the U.S.

State and local food safety programs are primary respondents for this data collection. There are over 3,000 state and local health departments in the U.S. It is unknown how many state and local health departments will actually participate in the evaluation survey, as participation will be voluntary.

This information collection seeks approval to obtain data using a one-time data collection survey. The survey will take approximately 2 hours to complete. The survey will be completed once by respondents either manually or electronically. The CDC is asking for this data collection burden to allow local and state health departments ample time to request and obtain the information they need from their various departments and units to complete the evaluation survey.

For this project, the anticipated number of respondents is 190 health departments per year, and the total estimated annual burden hours are 380 hours. Only local and state health departments implementing food safety programs in the U.S. will be eligible to participate in the survey. There will be no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Local health departments	Evaluation Survey (electronic)	138	1	2
	Evaluation Survey (paper-based)	35	1	2
State health departments	Evaluation Survey (electronic)	14	1	2
	Evaluation Survey (paper-based)	3	1	2

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–00911 Filed 1–16–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10396 and CMS–10462]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (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.

DATES: Comments must be received by March 18, 2014.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10396 Medication Therapy Management Program Improvements

CMS–10462 Community First Choice Option

Under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medication Therapy Management Program Improvements; *Use:* Information collected by Part D medication therapy management programs (as required by the standardized format for the comprehensive medication review summary) will be used by beneficiaries or their authorized representatives, caregivers, and their healthcare providers to improve medication use and achieve better healthcare outcomes. *Form Number:* CMS–10396 (OCN: 0938–1154); *Frequency:* Occasionally; *Affected Public:* Private sector (business or other for-profits); *Number of Respondents:* 682; *Total Annual Responses:* 280,352; *Total Annual Hours:* 163,539. (For policy questions regarding this collection contact Gary Wirth at 410–786–3977).

2. *Type of Information Collection Request:* New collection (request for a new OMB control number); *Title of*

Information Collection: Community First Choice Option; *Use:* This project is an evaluation of the implementation and progress of the Community First Choice (CFC) Option. The results of the study will be included in the final Report to Congress, to be delivered by the Secretary of Health and Human Services in 2015. The project is designed to assist CMS and Congress in their understanding of: States' CFC implementation plans, the effectiveness of the CFC Option on individuals receiving home- and community-based attendant care, and States' spending on long-term services and supports.

Researchers will request data from States approved for CFC via a data form and semi-structured interviews. Information obtained will be used to better understand CFC program design, the targeted patient population, and intended outcomes. At this time, we have only approved California's program. To provide comparative information to the Secretary, researchers will also collect data from States that have decided not to pursue the CFC option. Data will be analyzed and developed into a report to Congress which will evaluate the effectiveness of the CFC option, the program's impact on participants' physical and emotional health, and a comparative analysis of the costs of community-based services and those provided in institutional settings. *Form Number:* CMS–10462 (OCN: 0938—New); *Frequency:* Once; *Affected Public:* Individuals and households, private sector (business or other for-profits and not-for-profit institutions), and State, Local, or Tribal Governments; *Number of Respondents:* 108; *Total Annual Responses:* 126; *Total Annual Hours:* 225. (For policy questions regarding this collection contact Elizabeth Garbarczyk at 410–786–0426).

Dated: January 14, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–00916 Filed 1–16–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document identifiers: CMS–1561, CMS–R–216, and CMS–R–262]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by February 18, 2014:

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Health Insurance Benefit Agreement; *Use:* Applicants to the Medicare program are required to agree to provide services in accordance with federal requirements. The CMS–1561 is essential in that is allows us to ensure that applicants are in compliance with the requirements. Applicants will be required to sign the completed form and provide operational information to us to assure that they continue to meet the requirements after approval. *Form Number:* CMS–1561 (OCN: 0938–0832); *Frequency:* Yearly; *Affected Public:* Private sector—(Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 3,000; Total *Annual Responses:* 3,000; *Total Annual Hours:* 500. (For policy questions regarding this collection contact Shonte Carter at 410–786–3532).

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Procedures for Advisory Opinions Concerning Physicians' Referrals and Supporting Regulations; *Use:* The information collection requirements contained in 42 CFR 411.372 and 411.373 allow us to consider requests for advisory opinions

and provide accurate and useful opinions. The information is read and analyzed to develop and issue an advisory opinion to the individual or entity that submitted the information. *Form Number:* CMS–R–216 (OCN: 0938–0714); *Frequency:* Occasionally; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 25; *Total Annual Responses:* 25; *Total Annual Hours:* 500. (For policy questions regarding this collection contact Jacqueline Proctor at 410–786–0661).

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* CY 2015 Plan Benefit Package (PBP), Formulary, and Supporting Regulations; *Use:* We require Medicare Advantage and Prescription Drug Plan organizations submit a completed plan benefit package (PBP) and formulary as part of the annual bidding process. During this process, organizations prepare their proposed plan benefit packages for the upcoming contract year and submit them to us for review and approval. We publish beneficiary education information using a variety of formats. Specific education initiatives that utilize PBP and formulary data include web application tools on medicare.gov and the plan benefit insert in the Medicare & You handbook. In addition, organizations utilize the PBP data to generate their Summary of Benefits marketing information. The package has been revised subsequent to the publication of the 60-day **Federal Register** notice (78 FR 65656); *Form Number:* CMS–R–262 (OCN: 0938–0763); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 652; *Total Annual Responses:* 6,265; *Total Annual Hours:* 57,477. (For policy questions regarding this collection contact Kristy Holtje at 410–786–2209).

Dated: January 14, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–00915 Filed 1–16–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Planning Grants To Develop a Model Intervention for Youth/Young Adults with Child Welfare Involvement At-Risk of Homelessness.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services intends to collect data for an process evaluation of the "Planning Grants to Develop a Model Intervention for Youth/Young Adults with Child Welfare Involvement at-Risk of Homelessness" program. This two year program, funded by the Children's Bureau within ACF, will support planning grants to develop a model for intervening with youth who have experienced time in foster care and are most likely to have a challenging transition to adulthood, including the possibility of homelessness or unstable housing.

Respondents: Members of the planning team, which includes: Directors and staff from grantee agencies and partner agencies. Partner agencies may vary by site, but they are expected to include child welfare, mental health, and youth housing/homelessness agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Survey Sampling Form	36	18	1	.25	5
Survey of Organizational Readiness and Partnership	540	270	1	1	270

Estimated Total Annual Burden Hours: 275.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Karl Koerper,

OPRE Reports Clearance Officer.

[FR Doc. 2014–00854 Filed 1–16–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0319]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Guidance for Industry and Food and Drug Administration Staff on Dear Health Care Provider Letters: Improving Communication of Important Safety Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing

that a collection of information entitled "Guidance for Industry and Food and Drug Administration Staff on Dear Health Care Provider Letters: Improving Communication of Important Safety Information" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On September 13, 2012, the Agency submitted a proposed collection of information entitled "Guidance for Industry and Food and Drug Administration Staff on Dear Health Care Provider Letters: Improving Communication of Important Safety Information" to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0754. The approval expires on December 31, 2016. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: January 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00872 Filed 1–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0485]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Premarket Approval of Medical Devices—21 CFR Part 814

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Premarket Approval of Medical Devices—21 CFR Part 814" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On November 22, 2013, the Agency submitted a proposed collection of information entitled "Premarket Approval of Medical Devices—21 CFR Part 814" to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0231. The approval expires on January 31, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: January 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00870 Filed 1–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0804]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Premarket Notification Submission 510(k)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Premarket Notification Submission 510(k), Subpart E" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On November 12, 2013, the Agency submitted a proposed collection of information entitled "Premarket Notification Submission 510(k), Subpart E" to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0120. The approval expires on January, 31 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: January 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00869 Filed 1–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0618]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Reporting and Recordkeeping for Electronic Products—General Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Reporting and Recordkeeping for Electronic Products—General Requirements" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On November 20, 2013, the Agency submitted a proposed collection of information entitled "Reporting and Recordkeeping for Electronic Products—General Requirements" to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0025. The approval expires on January 31, 2017. A copy of the supporting statement for this information collection is available on

the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: January 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00871 Filed 1–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1530]

Reporting of Computational Modeling Studies in Medical Device Submissions; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled "Reporting of Computational Modeling Studies in Medical Device Submissions." Computational modeling and simulation (CM&S) studies are often used by sponsors as a tool to support medical device applications. The purpose of this draft guidance document is to provide recommendations to industry on the formatting, organization, and content of reports of CM&S studies that are used as valid scientific evidence to support medical device submissions, and to assist FDA staff in the review of computational modeling and simulation studies by improving the consistency and predictability of the review and facilitating full interpretation and complete review of those studies. This draft guidance is not final nor is it in effect at this time.

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 April 17, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance document entitled "Reporting of Computational Modeling Studies in Medical Device Submissions" to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

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. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Tina Morrison, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1272, Silver Spring, MD 20993–0002, 301–796–6310.

SUPPLEMENTARY INFORMATION:

I. Background

There has been an increased interest in the use of CM&S studies as a tool to support medical device applications, as evidenced by the increase in the number of computer modeling test reports submitted in medical device applications. The Center for Devices and Radiological Health (CDRH) recognizes that use of CM&S studies are an innovative means to design, develop, and evaluate medical devices, and has held five public meetings on the topic in recent years. Information regarding the most recent meeting, "FDA/NIH/NSF Workshop on Computer Models and Validation for Medical Devices," June 11–12, 2013, is available at: *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/ucm346375.htm.*

CM&S studies have traditionally been used in the areas of fluid dynamics (e.g., shear stress and stagnation calculations in ventricular assist devices), solid mechanics (e.g., maximum stress locations in a hip implant), electromagnetics and optics (e.g., radiofrequency dosimetry in magnetic resonance imaging, fluence for fiber optic spectroscopy devices), ultrasound propagation (e.g., absorbed energy distribution for therapeutic ultrasound), and thermal propagation (e.g., radiofrequency and laser ablation devices). The purpose of this draft guidance document is to provide recommendations to industry on the formatting, organization, and content of reports of CM&S studies that are used as valid scientific evidence to support medical device submissions. Moreover, this draft guidance is intended to help improve the consistency and predictability of the review of computational modeling and simulation studies and to better facilitate full interpretation and complete review of those studies.

The draft guidance provides a general outline of information that should be included in a CM&S report, written in general terms to capture reporting for any modality. The guidance also includes five subject matter appendices that provide more background, structure, and specific terminology for modeling and simulation modalities that are widely used in regulatory submissions, including fluid dynamics and mass transport; solid mechanics; electromagnetics and optics; ultrasound; and heat transfer.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on "Reporting of Computational Modeling Studies in Medical Device Submissions." It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* To receive "Reporting of Computational Modeling Studies in Medical Device Submissions," you may either send an email request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1807 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to currently 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 812 have been approved under OMB control number 0910–0078; the collections of information in 21 CFR part 807 subpart E have been approved

under OMB control number 0910–0120; collections of information in 21 CFR part 814 subpart B have been approved under OMB control number 0910–0231; and collections of information in 21 CFR part 814 subpart H have been approved under OMB control number 0910–0332.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: January 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00874 Filed 1–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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: Communication Disorders Review Committee.

Date: February 20, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairfield Inn & Suites Old Town Marriott, 3900 Old Town Avenue, San Diego, CA 92110.

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NIDCD, NIH, 6120 Executive Blvd., Suite 400C, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Otolaryngology Clinical Trial Review.

Date: February 28, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6001 Executive Blvd.—Room 8343, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: January 13, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00810 Filed 1–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Tuberculosis Infection in the Elderly.

Date: February 27, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Alicja L. Markowska, Ph.D., DSC, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov*.

Name of Committee: National Institute on Aging Special Emphasis Panel; Hip Fracture.

Date: March 6, 2014.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree by Hilton, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Alicja L. Markowska, Ph.D., DSC, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 13, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00812 Filed 1–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Chemosensory Fellowship Applications Review.

Date: February 6, 2014.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; VSL Fellowship Review.

Date: February 10, 2014.

Time: 12:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, 301–402–3587, *rayk@nidcd.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Hearing and Balance Fellowships Review.

Date: February 13, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: January 13, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00809 Filed 1–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Vascular and Hematology Integrated Review Group; Vascular Cell and Molecular Biology Study Section.

Date: February 10–11, 2014.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Radiation Therapeutics and Biology Study Section.

Date: February 10–11, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–996–6208, *hongb@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Biophysics of Neural Systems Study Section.

Date: February 13, 2014.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Fisherman's Wharf Hotel, 2620 Jones Street, San Francisco, CA 94133.

Contact Person: Geoffrey G. Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Etiology Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301–451–3493, *kotliars@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 13, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00813 Filed 1–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of meetings of the National Advisory Council for Human Genome Research.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Advisory Council for Human Genome Research.

Date: February 10–11, 2014.

Closed: February 10, 2014, 8:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Open: February 10, 2014, 10:00 a.m. to 3:00 p.m.

Agenda: To discuss matters of program relevance.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: February 10, 2014, 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: February 11, 2014, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

Name of Committee: National Advisory Council for Human Genome Research.

Date: May 19–20, 2014.

Closed: May 19, 2014, 8:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Open: May 19, 2014, 10:00 a.m. to 3:00 p.m.

Agenda: To discuss matters of program relevance.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: May 19, 2014, 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: May 20, 2014, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Human Genome Research Institute, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.genome.gov/11509849,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: January 13, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00814 Filed 1–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Biological Aging Review Committee.

Date: February 6–7, 2014.

Time: 4:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bita Nakhai, Ph.D., Scientific Review Branch, National Institute On Aging, Gateway Bldg., 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7701, *nakhaib@nia.nih.gov.*

Name of Committee: National Institute on Aging Initial Review Group; Clinical Aging Review Committee.

Date: March 6–7, 2014.

Time: 5:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree by Hilton, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: Alicja L. Markowska, Ph.D., DSC, National Institute on Aging, National Institutes of Health, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 13, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00811 Filed 1–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2011–0108]

RIN 1601–ZA11

Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

AGENCY: Office of the Secretary, DHS.

ACTION: Notice.

SUMMARY: Under Department of Homeland Security (DHS) regulations, U.S. Citizenship and Immigration Services (USCIS) may approve petitions for H–2A and H–2B nonimmigrant status only for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated by notice published in the **Federal Register**. That notice must be renewed each year. This notice announces that the Secretary of Homeland Security, in consultation with the Secretary of State, is identifying 63 countries whose nationals are eligible to participate in the H–2A and H–2B programs for the coming year.

DATES: *Effective Date:* This notice is effective January 18, 2014, and shall be without effect at the end of one year after January 18, 2014.

FOR FURTHER INFORMATION CONTACT: Francis Cissna, Office of Policy, Department of Homeland Security, Washington, DC 20528, (202) 447–3835.

SUPPLEMENTARY INFORMATION:

Background: Generally, USCIS may approve H–2A and H–2B petitions for nationals of only those countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated as participating countries. Such designation must be published as a notice in the **Federal Register** and expires after one year. USCIS, however, may allow a national from a country not on the list to be named as a beneficiary of an H–2A or H–2B petition based on a determination that such participation is in the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F) and 8 CFR 214.2(h)(6)(i)(E).

In designating countries to include on the list, the Secretary of Homeland Security, with the concurrence of the Secretary of State, will take into account factors including, but not limited to: (1) The country's cooperation with respect to issuance of travel documents for citizens, subjects, nationals, and residents of that country who are subject to a final order of removal; (2) the number of final and unexecuted orders

of removal against citizens, subjects, nationals, and residents of that country; (3) the number of orders of removal executed against citizens, subjects, nationals, and residents of that country; and (4) such other factors as may serve the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1).

In December 2008, DHS published in the **Federal Register** two notices, "Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2A Visa Program," and "Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2B Visa Program," which designated 28 countries whose nationals are eligible to participate in the H–2A and H–2B programs. *See* 73 FR 77,043 (Dec. 18, 2008); 73 FR 77,729 (Dec. 19, 2008). The notices ceased to have effect on January 17, 2010 and January 18, 2010, respectively. *See* 8 CFR 214.2(h)(5)(i)(F)(2) and 8 CFR 214.2(h)(6)(i)(E)(3). To allow for the continued operation of the H–2A and H–2B programs, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has published subsequent notices on an annual basis. *See* 75 FR 2,879 (Jan. 19, 2010) (adding 11 countries); 76 FR 2,915 (Jan. 18, 2011) (removing Indonesia and adding 15 countries); 77 FR 2,558 (Jan. 18, 2012) (adding 5 countries); 78 FR 4,154 (Jan. 18, 2013) (adding 1 country).

The Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that 59 countries previously designated in the January 18, 2013 notice continue to meet the standards identified in that notice for eligible countries and therefore should remain designated as countries whose nationals are eligible to participate in the H–2A and H–2B programs. Further, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has determined that it is now appropriate to add 4 countries whose nationals are eligible to participate in the H–2A and H–2B programs. This determination is made taking into account the four factors identified above. The Secretary of Homeland Security also considered other pertinent factors including, but not limited to, evidence of past usage of the H–2A and H–2B programs by nationals of the country to be added, as well as evidence relating to the economic impact on particular U.S. industries or regions resulting from the addition or continued non-inclusion of specific countries. In consideration of all of the above, this notice designates for the first time Austria, Italy, Panama, and Thailand as countries whose nationals are eligible to participate in the H–2A and H–2B programs.

Designation of Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1), 215(a)(1), and 241 of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1), 1185(a)(1), and 1231), I am designating, with the concurrence of the Secretary of State, nationals from the following countries to be eligible to participate in the H–2A and H–2B nonimmigrant worker programs:

Argentina
Australia
Austria
Barbados
Belize
Brazil
Bulgaria
Canada
Chile
Costa Rica
Croatia
Dominican Republic
Ecuador
El Salvador
Estonia
Ethiopia
Fiji
Grenada
Guatemala
Haiti
Honduras
Hungary
Iceland
Ireland
Israel
Italy
Jamaica
Japan
Kiribati
Latvia
Lithuania
Macedonia
Mexico
Moldova
Montenegro
Nauru
The Netherlands
Nicaragua
New Zealand
Norway
Panama
Papua New Guinea
Peru
The Philippines
Poland
Romania
Samoa
Serbia
Slovakia
Slovenia
Solomon Islands
South Africa
South Korea
Spain
Switzerland
Thailand
Tonga
Turkey
Tuvalu
Ukraine
United Kingdom
Uruguay
Vanuatu

This notice does not affect the status of aliens who currently hold valid H–2A or H–2B nonimmigrant status. Persons holding such status, however, will be affected by this notice at the time they seek an extension of stay in H–2 classification, or a change of status from one H–2 status to another. Similarly, persons holding nonimmigrant status other than H–2 status are not affected by this notice unless they seek a change of status to H–2 status.

Nothing in this notice limits the authority of the Secretary of Homeland Security or his or her designee or any other federal agency to invoke against any foreign country or its nationals any other remedy, penalty, or enforcement action available by law.

Jeh Charles Johnson,

Secretary.

[FR Doc. 2014–00331 Filed 1–16–14; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2013–0951]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0008, Regattas and Marine Parades. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before March 18, 2014.

ADDRESSES: You may submit comments identified by Coast Guard docket

number [USCG–2013–0951] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Barbara Hairston, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2013–0951], and must be received by March 18, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the "Privacy Act" paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2013–0951], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type "USCG–2013–0951" in the "Keyword" box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2013–0951" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Regattas and Marine Parades.
OMB Control Number: 1625–0008.
Summary: 46 U.S.C. 1233 authorizes the Coast Guard to issue rules to promote the safety of life on navigable waters during regattas and marine parades. 33 CFR 100.17 and 100.18 promulgate the rules for providing notice of, and additional information for permitting regattas and marine parades (marine events) to the Coast Guard.
Need: The Coast Guard needs to determine whether a marine event may present a substantial threat to the safety of human life on navigable waters and determine which measures are necessary to ensure the safety of life during the events. Sponsors must notify the Coast Guard of the efficient means for the Coast Guard to learn of the events and address environmental impacts.

Forms: CG–4423.

Respondents: Sponsors of marine events.

Frequency: On occasion.

Burden Estimate: The estimated burden of 5,500 hours a year remains the same.

Dated: January 8, 2014.

R.E. Day,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2014–00900 Filed 1–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]; [Internal Agency Docket No. FEMA–B–1340]

Proposed Flood Hazard Determinations for Kandiyohi County, Minnesota, and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its notice concerning proposed flood hazard determinations, which may include the addition or modification of any Base Flood Elevation, base flood depth, Special Flood Hazard Area boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps, and where applicable, in the supporting Flood Insurance Study reports for Kandiyohi County, Minnesota, and Incorporated Areas.

DATES: As of January 17, 2014, the notice published August 9, 2013, at 78 FR 48701, is withdrawn.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1340, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On August 9, 2013, FEMA published a notice at 78 FR 48701, proposing flood hazard determinations in Kandiyohi County, Minnesota. FEMA is withdrawing the notice.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: December 18, 2013.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–00063 Filed 1–16–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5759–N–02]

60-Day Notice of Proposed Information Collection: Transfer and Consolidation of Public Housing Programs and Public Housing Agencies

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: March 18, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Program—Transfer and Consolidation of Public Housing Programs and Public Housing Agencies.

OMB Approval Number: 2577—New.

Type of Request: New Collection.

Form Number: No form is used to collect this information. Forms collected with information incidental to this collection are: HUD–52190–A, HUD–53012–A, HUD 53012–B, HUD–52722, HUD–52723, HUD–51999, SF–1199A, HUD–27056, HUD–27054A, HUD–52540.

Description of the need for the information and proposed use: State legislatures or other local governing bodies may from time to time direct or agree that the public interest is best served if one public housing agency (PHA) cedes its public housing program to another PHA, or that two or more PHAs should be combined into one multijurisdictional PHA. This proposed information collection serves to protect HUD's several interests in either transaction: (1) Insuring the continued used of the property as public housing; (2) that HUD's interests are secured; and (3) that the operating and capital subsidies that HUD pays to support the operation and maintenance of public housing is properly paid to the correct PHA on behalf of the correct properties. In addition to submitting documentation to HUD, PHAs are required to make conforming changes to HUD's Public Housing Information Center (PIC).

Total Estimated Burdens:

TOTAL BURDEN HOUR ESTIMATES FOR PHAS

Total number of public housing agencies/ potential respondents	Number of transfer or consolidation actions	Number of respondents	Frequency of requirement *	×	Est. avg. time for requirement (hours)	=	Est. annual burden (hours)
3,140	5	10	1		20		200
Subtotals: 3,140	5	10	1		20		200

* The frequency shown assumes that the receiving or consolidated PHA makes one submission for all other PHAs involved in either the transfer or consolidation.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 9, 2014.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2014–00866 Filed 1–16–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5759–N–01]

60-Day Notice of Proposed Information Collection: Mortgage Credit Analysis for Loan Guarantee Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* March 18, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Mortgage Credit Analysis Worksheet for Native American Loan Guarantee Program.

OMB Approval Number: 2577–0200.

Type of Request: Revision of Currently approved collection.

Form Number: HUD–50127, HUD–50132.

Description of the need for the information and proposed use: The information collected from lenders is used to determine a borrower's credit worthiness and ability to pay for a home loan as well as to ensure that lenders comply with the program requirements.

Respondents (i.e. affected public): 6,750.

Estimated Number of Respondents: 600.

Estimated Number of Responses: 6,750.

Frequency of Response: 1.

Average Hours per Response: 33 hours.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Mortgage Credit Analysis Worksheet	250	1	2750	.50	1375	$25	$34,375
Rider For Section 184—Tribal Trust	50	1	500	.50	250	18	4500
Firm Commitment Submission Checklist	250	1	3000	.15	450	18	8100

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Checklist for Proposed Transactions Less Than 1 Year Old	50	1	500	.15	75	18	1350
Total	600	.....	6750	.....	2150	.....	48,325

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 9, 2014.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2014–00875 Filed 1–16–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–03]

Federal Property Suitable as Facilities To Assist the Homeless

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

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: January 9, 2014.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 2014–00529 Filed 1–16–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5765–N–01]

Manufactured Housing Consensus Committee; Notice Inviting Individuals To Serve on the Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development invites the public to submit nominations for appointment by the Secretary to the Manufactured Housing Consensus Committee (MHCC), a Federal Advisory Committee established by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000.

DATES: The Department will accept nominations on a continuing basis and may make appointments from nominations on file or from nominations submitted in response to this Notice. Nominations not selected for appointment to a current vacancy will be retained for three (3) years and may be considered for vacancies as they arise. New members are appointed for a term of three (3) years, usually beginning in January of each year.

ADDRESSES: *Submission Address:* Nominations must be in writing and may be submitted to: Henry S. Czauski, Acting Deputy Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW., Room 9168, Washington, DC 20410–8000; telephone number 202–708–6423 (this is not a toll-free number); or by email to: *mhcc@hud.gov* or fax to HUD at 202–708–4213.

FOR FURTHER INFORMATION CONTACT: Henry S. Czauski, Acting Deputy Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW., Room 9168, Washington, DC 20410–8000; telephone number 202–708–6423 (this is not a toll-free number). For hearing and speech-impaired persons, this number may be accessed via TTY by calling the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 604 of the Manufactured Housing Improvement Act of 2000 (Pub. L. 106–569) amended the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401–5426) (Act) to require the establishment of the MHCC, a Federal Advisory Committee, to: (1) Provide periodic recommendations to the Secretary to adopt, revise, and interpret the Manufactured Housing Construction and Safety Standards; and (2) to provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement manufactured housing regulations, including regulations specifying the permissible scope and conduct of monitoring. The Act authorizes the Secretary to appoint a total of twenty-two members to the MHCC. Twenty-one members have voting rights; the twenty-second member represents the Secretary and is a non-voting position. Service on the MHCC is voluntary. Travel and per diem for meetings is provided in

accordance with federal travel policy pursuant to 5 U.S.C. 5703.

HUD seeks highly qualified and motivated individuals who meet the requirements set forth in the Act to serve as voting members of the MHCC at the pleasure of the Secretary for a term of three (3) years; not to exceed two consecutive terms. The MHCC anticipates four annual meetings. Meetings may take place by conference call or in person. Members of the MHCC undertake additional work commitments on subcommittees and task forces regarding issues under deliberation; members are expected to fulfill the obligation of active participation and failure to do so may result in termination of membership.

Nominee Selection and Appointment

Members of the Manufactured Housing Consensus Committee (MHCC) are appointed to serve in one of the following three member categories:

1. Producers/Retailers—Seven producers or retailers of manufactured housing.

2. Users/Consumers—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

3. General Interest and Public Officials—Seven general interest and public official members.

The Act provides that the Secretary shall ensure that all interests directly and materially affected by the work of the MHCC have the opportunity for fair and equitable participation without dominance by any single interest; and may reject the appointment of any one or more individuals in order to ensure that there is not dominance by any single interest. For purposes of this determination, dominance is defined as a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

Additional requirements governing appointment and member service include:

(1) No individual appointed to the Users category, and three of the individuals appointed to the General Interest and Public Official category shall have a significant financial interest in any segment of the manufactured housing industry; or a significant relationship to any person engaged in the manufactured housing industry.

(2) Each member serving in the Users category or General Interest/Public Officials category shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the 1-year following, the membership of the individual on the MHCC.

(3) Nominees selected for appointment to the MHCC shall be required to provide disclosures and certifications regarding conflict-of-interest and eligibility for membership prior to final appointment.

Consensus Committee—Advisory Role

The role of the MHCC is solely advisory to the Secretary on the subject matter described above.

Federal Advisory Committee Act

The MHCC is subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix), and to the Presidential Memorandum, dated June 18, 2010, directing all heads of executive departments and agencies not to make any new appointments or reappointments of federally registered lobbyists to advisory committees and other boards and commissions.

Term of Office

MHCC members are appointed at the discretion of the Secretary for a three-year term, not to exceed two (2) consecutive terms.

Nominee Information

Individuals seeking nomination to the MHCC should submit detailed information documenting their qualifications for the category selected. Individuals may nominate themselves. A sample application form that contains information for consideration is available on the HUD Web site *www.hud.gov* or by contacting the Office of Manufactured Housing Programs at 202–708–6423 or by email to *mhcc@hud.gov*. The application form may be accompanied by a resume.

Additional Information

Appointments will be made at the Secretary's discretion.

Dated: January 10, 2014.

Carol J. Galante,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2014–00864 Filed 1–16–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

[FWS–R4–FHC–2014–N006; FVHC98130406900–XXX–FF04G01000]

DEEPWATER HORIZON Oil Spill; Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement

AGENCY: Interior.

ACTION: Notice of availability; extension of public comment period.

SUMMARY: We are extending the public comment period on our Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement (Draft Phase III ERP/PEIS) regarding the DEEPWATER HORIZON Oil Spill. We opened the comment period via a December 6, 2013, notice of availability.

DATES: Comments must be submitted electronically or postmarked by 11:59 p.m. Mountain Time on February 19, 2014.

ADDRESSES: *Document Availability:* You may download the Draft Phase III ERP/PEIS at *http://www.gulfspillrestoration.noaa.gov* or at *http://www.doi.gov/deepwaterhorizon*. Alternatively, you may request a CD of the Draft Phase III ERP/PEIS (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov*.

Submitting Comments: You may submit comments on the Draft Phase III ERP/PEIS by one of following methods:

(1) Electronically: http://www.gulfspillrestoration.noaa.gov.

(2) By hard copy: Submit by U.S. mail to: U.S. Fish and Wildlife Service, P.O. Box 49567, Atlanta, GA 30345.

We request that you send comments by only one of the methods described above.

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado, at *nanciann_regalado@fws.govmailto:fw4coastalDERPcomments@fws.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the Oil Pollution Act of 1990 (OPA; 33 U.S.C. 2701 *et seq.*) and the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), the Federal and State natural resource trustee agencies (Trustees) have prepared a Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement (Draft Phase III ERP/PEIS).

The Draft Phase III ERP/PEIS considers programmatic alternatives to restore natural resources, ecological services, and recreational use services injured or lost as a result of the DEEPWATER HORIZON oil spill. The restoration alternatives are comprised of early restoration project types; the Trustees additionally propose 44 specific early restoration projects that are consistent with the proposed early restoration program alternatives. The Trustees have developed restoration

alternatives and projects to utilize funds for early restoration being provided under the Framework for Early Restoration Addressing Injuries Resulting from the DEEPWATER HORIZON Oil Spill (Framework Agreement) discussed below.

Criteria and evaluation standards under the OPA natural resource damage assessment regulations and the Framework Agreement guided the Trustees' consideration of programmatic restoration alternatives. The Draft Phase III ERP/PEIS evaluates these restoration alternatives and projects under criteria set forth in the OPA natural resource damage assessment regulations and the Framework Agreement. The Draft Phase III ERP/PEIS also evaluates the environmental consequences of the restoration alternatives and projects under NEPA.

Background

For additional background information, see our original **Federal Register** notice, in which we opened the comment period on the Draft Phase III ERP/PEIS (December 6, 2013, 78 FR 73555).

Public Comments

If you submit a comment via, *http://www.gulfspillrestoration.noaa.gov,* your entire comment—including any personal identifying information—may be made publicly available at any time. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Authority

The authority of this action is the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and the implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990.

Cynthia K. Dohner,

Department of the Interior Authorized Official.

[FR Doc. 2014–00832 Filed 1–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2012–N208; FXES11120200 000F2–145–FF02ENEH00]

Final Environmental Impact Statement and Record of Decision on Comal County's Regional Habitat Conservation Plan for Comal County, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, make available the final environmental impact statement (FEIS), draft record of decision (ROD), and final Comal County regional habitat conservation plan (RHCP) under the National Environmental Policy Act of 1969 (NEPA). Our decision is to issue a 30-year incidental take permit to Comal County, Texas, for implementation of the Preferred Alternative (described below), which authorizes incidental take of the endangered golden-cheeked warbler and black-capped vireo, both of which are listed under the Endangered Species Act of 1973, as amended (ESA). Comal County has agreed to implement avoidance, minimization, and mitigation measures to offset impacts to these species, as described in their RHCP.

DATES: We will issue a ROD and make a final permit decision no sooner than 30 days after publication of this notice. Comments on the final EIS, draft ROD, and RHCP will be accepted until February 18, 2014.

ADDRESSES: For where to review documents and submit comments, see Reviewing Documents and Submitting Comments in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Mr. Adam Zerrenner, Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758 or (512) 490–0057.

SUPPLEMENTARY INFORMATION: We announce the availability of the Comal County final Environmental Impact Statement, final regional habitat conservation plan, and draft record of decision, which we developed in compliance with the agency decision-making requirements of the NEPA, as amended (42 U.S.C. 4321 et seq.). All alternatives have been described in detail, evaluated, and analyzed in our August 2013 final EIS and Comal County's RHCP.

Based on our review of the alternatives and their environmental consequences as described in our final EIS, we have selected Alternative B, the proposed RHCP. The proposed action is the issuance to Comal County of a section 10(a)(1)(B) incidental take permit (ITP) (under the ESA (16 U.S.C. 1531 et seq.)), which authorizes incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia;* GCWA) and black-capped vireo (*Vireo atricapilla;* BCVI) (collectively, covered species). The term of the permit is 30 years (2013–2043).

Comal County will implement avoidance, minimization, and mitigation measures to offset impacts to Covered Species according to their RHCP. Impacts will be mitigated through the purchase of preserves by Comal County, which would generate credits; purchasing credits from a Service-approved conservation bank; or working with willing landowners or private entities to create preserves, which would generate credits. Each preserve acquisition will be subject to Service approval and will generate mitigation credits based on number of acres, and quality of potential occupied habitat for covered species. All preserves and credits will be approved by the Service and will generate mitigation credits based on, and commensurate with, Service policy and guidelines regarding mitigation (such as, but not limited to, the guidance found in *Establishment, Use, and Operation of Conservation Banks [68 FR 24753]*) in order to ensure that the quality of the mitigation is equal to or greater than the quality of the habitat impacted.

Background

Comal County applied to the Service for an ITP. As part of the permit application, Comal County developed the RHCP to meet the requirements of an ITP. Our issuance of an ITP and implementation of the RHCP would allow Comal County to take the covered species incidentally, during construction, use, or maintenance of public or private land development projects; construction, maintenance, or improvement of transportation infrastructure; installation or maintenance of utility infrastructure; construction, use, or maintenance of institutional projects or public infrastructure; and management activities (covered activities) within Comal County, Texas (plan area), during the 30-year term of the ITP.

The Secretary of the Interior has delegated to the Service the authority to approve or deny an ITP in accordance with the ESA. To act on Comal County's permit application, we must determine that the RHCP meets the issuance

criteria specified in the ESA and in the Code of Federal Regulations (CFR) at 50 CFR 17.22 and 17.32. The issuance of an ITP is a Federal action subject to NEPA compliance, including the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508).

On June 3, 2010, we issued a draft EIS and requested public comment on our evaluation of the potential impacts associated with issuance of an ITP for implementation of the RHCP and to evaluate alternatives, along with the draft RHCP (75 FR 31463). We included public comments and responses associated with the draft EIS and draft HCP in an appendix to the final EIS.

Purpose and Need of Permit

The purpose of the section 10(a)(l)(B) permit is to authorize incidental take associated with the covered activities described above. We identified key issues and relevant factors through public scoping, working with other agencies and groups, and comments from the public. We received a response from one Federal agency, the U.S. Environmental Protection Agency, who had "no objections" to implementation of the Preferred Alternative. Most of the comments received from the public focused on: (1) The process of the RHCP and how it may expedite certain projects (e.g., roads and quarry operations) that impact GCWA habitat, (2) the difficulties and decisions involved with modeling and quantifying GCWA habitat, (3) the potential occurrence of listed invertebrates in the plan area, and (4) the alleged lack of documentation ensuring impacts to the Covered Species will be minimized and mitigated to the maximum extent practicable. One comment letter supported the RHCP as proposed. We believe these comments are addressed and reasonably accommodated in the final documents. No new significant issues arose following publication of the draft documents.

Alternatives

Alternative A (No Action): Under the No Action alternative, Comal County would not request and the Service would not issue an ITP. Instead, development activities in Comal County that would cause take of listed species would require individual authorizations through section 10(a)(1)(B) or section 7 consultation where a Federal nexus (authorized by a Federal agency [e.g., section 404 permit under the Clean Water Act]) exists, on a project-by-project basis over the next 30 years.

Alternative B (Preferred Alternative): Our selected alternative is the proposed RHCP, the preferred alternative, as described in the final EIS, which provides for the issuance of an ITP to Comal County for incidental take that is anticipated to occur as a result of covered activities. This alternative includes implementation of measures to avoid, minimize, and mitigate for the potential incidental take of federally listed species to the maximum extent practicable. This alternative also provides conservation measures for Covered Species and the mechanism for streamlined compliance with the Act.

Alternative C (Reduced Take RHCP): Compared to Alternative B, this alternative (1) eliminates the BCVI as a Covered Species, (2) reduces the areal extent of covered take for GCWA, and (3) reduces funding for the research and public awareness programs, the endowment, and the preserve system.

Decision

We intend to issue an ITP allowing Comal County to implement the preferred alternative (Alternative B), as it is described in the final EIS. Our decision is based on a thorough review of the alternatives and their environmental consequences. Implementation of this decision entails the issuance of the ITP, including all terms and conditions governing the permit. Implementation of this decision requires adherence to all of the minimization and mitigation measures specified in the RHCP, as well as monitoring and adaptive management measures.

Rationale for Decision

We have selected the preferred alternative (Alternative B) for implementation based on multiple environmental and social factors, including potential impacts and benefits to covered species and their habitat, the extent and effectiveness of minimization and mitigation measures, and social and economic considerations. We did not choose the No Action Alternative, because a project-by-project approach for complying with the Act would be more time-consuming and less efficient, and would result in piecemeal mitigation for covered species, incapable of providing comprehensive or comparable net benefits with respect to the preferred alternative. We did not choose the Reduced Take Alternative, because we do not believe that the amount of take requested is sufficient for the permit duration.

In order for us to issue an ITP, we must ascertain that the RHCP meets the issuance criteria set forth in 16 U.S.C. 1539(a)(2)(A) and (B). We have made that determination based on the criteria summarized below:

1. *The taking will be incidental.* We find that the take will be incidental to otherwise lawful activities, including the proposed construction, use, or maintenance of public or private land development projects; construction, maintenance, or improvement of transportation infrastructure; installation or maintenance of utility infrastructure; construction, use, or maintenance of institutional projects or public infrastructure; and management activities. The take of individuals of covered species will be primarily due to indirect impacts of habitat destruction and/or alteration.

2. *The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such takings.* The County has committed to a wide variety of conservation measures, land acquisition, management activities, monitoring, adaptive management, and other strategies designed to avoid and minimize take of the covered species and mitigate for any unavoidable loss. Mitigation will be commensurate with the actual level of take. Comal County will ensure compliance with the avoidance, minimization, and conservation measures through on-the-ground habitat assessments, making available to the public maps of potential habitat; requiring RHCP participants to abide by the seasonal clearing restrictions to avoid immediate impacts to GCWAs and BCVIs during their breeding seasons; and developing a public education and outreach program to educate landowners and residents about GCWAs, BCVIs, and the RHCP.

3. *The applicant will develop an HCP and ensure that adequate funding for the HCP will be provided.* Comal County has developed and will implement the RHCP. These obligations include the cost for purchase and management of mitigation lands in perpetuity, enforcement of conservation easements, and monitoring of species populations and habitat. In addition, the County has committed to implement adaptive management measures that: Identify areas of uncertainty and questions that need to be addressed to resolve such uncertainty; identify alternative management strategies and how to determine which experimental strategies to implement; integrate a monitoring program that is able to acquire the necessary information for effective strategy evaluation; and incorporate feedback loops that link implementation and monitoring to the decision-making process that result in appropriate changes in management. The County will fund the cost of

implementing the RHCP with application and mitigation fees, County General Maintenance and Operations fund contributions, and County Conservation Investments.

The Service's no surprises assurances, changed circumstances, and unforeseen circumstances are discussed in Chapter 8 of the RHCP. Unforeseen circumstances would be addressed through the Service's close coordination with Comal County in the implementation of the RHCP, and the County has committed to a coordination process to address such circumstances. Adaptive management, Chapter 6 of the RHCP, will be used to direct changes to conservation, mitigation, or management measures and monitoring when needed. We have, therefore, determined that Comal County's financial commitment and plan, along with their willingness to address changed and unforeseen circumstances in a cooperative fashion, is sufficient to meet this criterion.

4. *The taking will not appreciably reduce the likelihood of the survival and recovery of any listed species in the wild.* As the Federal action agency considering whether to issue an ITP to Comal County, we have reviewed the proposed action under section 7 of the Act. Our biological opinion, dated August 1, 2013, concluded that issuance of the ITP will not jeopardize the continued existence of the covered species in the wild. No critical habitat has been designated for either of the covered species, and thus none will be affected. The biological opinion also analyzes other listed species within the planning area and concludes that the direct and indirect effect of the issuance of the ITP will not appreciably reduce the likelihood of survival and recovery of other listed species and will not cause adverse modification of any designated critical habitat within the permit area.

5. *The applicant agrees to implement other measures that the Service requires as being necessary or appropriate for the purposes of the HCP.* We assisted Comal County in the development of their RHCP. We commented on draft documents, participated in numerous meetings and conference calls, and worked closely with Comal County during every step of plan and document preparation, so that conservation of the covered species would be assured and recovery would not be precluded by the covered activities. The RHCP incorporates our recommendations for minimization and mitigation of impacts, as well as steps to monitor the effects of the RHCP and ensure success. Annual monitoring, as well as coordination and reporting mechanisms, have been designed to ensure that changes in conservation measures can be implemented if proposed measures prove ineffective (adaptive management) or impacts exceed estimates (changed circumstances). It is our position that no additional measures are required to implement the intent and purpose of the RHCP to those detailed in the RHCP and its associated ITP.

We have determined that the preferred alternative best balances the protection and management of habitat for covered species, while allowing and providing a streamlined process for compliance with the Act for the covered activities. Considerations used in this decision include whether: (1) Mitigation will benefit the covered species, (2) mitigation lands will be managed for the species in perpetuity, (3) other conservation measures will protect and enhance habitat, (4) mitigation measures for the covered species will fully offset anticipated impacts to the species and provide recovery opportunities, and (5) the RHCP is consistent with the covered species' recovery plans.

Section 9 of the Act and its implementing regulations prohibit the "taking" of threatened or endangered species. However, under limited circumstances, we may issue permits to take listed wildlife species incidental to, and not the purpose of, otherwise lawful activities.

Reviewing Documents and Submitting Comments

Please refer to TE–223267–0 when requesting documents or submitting comments. You may obtain copies of the final EIS and final HCP by going to *http://www.fws.gov/southwest/es/AustinTexas/*. Alternatively, you may obtain CD–ROMs with electronic copies of these documents, as well as the draft ROD, by writing to Mr. Adam Zerrenner, Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; calling (512) 490–0057; or faxing (512) 490–0974. A limited number of printed copies of the final EIS and final HCP are also available, by request, from Mr. Zerrenner. The application, final RHCIP, final EIS, and draft ROD will also be available for public inspection, by appointment, during normal business hours (8 a.m. to 4:30 p.m.) at the Austin Office. During the public comment period (see DATES), submit your written comments or data to the Field Supervisor at the Austin address.

Public comments submitted are available for public review at the Austin address listed above. This generally means that any personal information you provide us will be available to anyone reviewing public comments (see the Public Availability of Comments section below for more information).

A limited number of printed copies of the final EIS and final HCP are also available for public inspection and review at the following locations by appointment only:

- Department of the Interior, Natural Resources Library, 1849 C St. NW., Washington, DC 20240, (202) 208–5814.
- U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Room 6034, Albuquerque, NM 87102, (505) 248–6920.
- U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758, (512) 490–00574.

Persons wishing to review the application or draft ROD may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: November 22, 2013.

Benjamin N. Tuggle,

Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2014–00593 Filed 1–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2013–0032; FXES11120300000F2–134–FF03E00000]

Final Environmental Impact Statement, Habitat Conservation Plan, Implementing Agreement, and Programmatic Agreement, Fowler Ridge Wind Farm, Benton County, Indiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability

SUMMARY: Under the National Environmental Policy Act (NEPA), the U.S. Fish and Wildlife Service (Service) is advising the public of the availability of the final Environmental Impact Statement (FEIS) associated with an application received from Fowler Ridge Wind Farm LLC, Fowler Ridge II Wind Farm LLC, Fowler Ridge III Wind Farm LLC, and Fowler Ridge IV Wind Farm LLC, collectively referred to as Fowler Ridge (applicant), for an incidental take permit (permit) pursuant to the Endangered Species Act of 1973, as amended (ESA). We also announce the availability of the final Fowler Ridge Wind Farm (FRWF; project) Habitat Conservation Plan (HCP), prepared in accordance with the ESA, and the availability of a final Programmatic Agreement (PA) to address the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties." Fowler Ridge submitted the HCP, as well as a proposed Implementing Agreement (IA), as part of its incidental take permit application. If issued, the permit would authorize incidental take of the federally endangered Indiana bat (*Myotis sodalis*) from operation of Phases I–IV of the project. Fowler Ridge is requesting a 21-year permit term.

The Service is furnishing this notice to allow other agencies and the public an opportunity to review these documents. For locations to review the documents, please see the Availability of Documents section below.

DATES: The Service's decision on issuance of the permit will occur no sooner than 30 days after the publication of the Environmental Protection Agency notice of the FEIS in the **Federal Register** and will be documented in a Record of Decision February 18, 2014.

ADDRESSES: *Document availability:*

- *Internet:* You may obtain copies of the documents on the Internet at *http://www.regulations.gov* [FWS–R3–ES–2013–0032] or *http://www.fws.gov/midwest/endangered/permits/hcp/r3hcps.html.*
- *U.S. Mail:* You can obtain an electronic copy of the documents by mail from the Ecological Services Office in the Midwest Regional Office (see **FOR FURTHER INFORMATION CONTACT**).
- *In-Person:* To view hard copies of the documents in person, go to the Ecological Services Office (8 a.m. to 4 p.m.) listed under **FOR FURTHER INFORMATION CONTACT,** or to one of the following libraries during normal business hours: Benton County Public Library, (765) 884 –1720, 102 N. Van Buren Avenue, Fowler, IN 47944; or Otterbein Public Library (*www.otterbeinpubliclibrary.org*), (765) 583–2107, 23 E. 1st Street, Otterbein, IN 47970.

FOR FURTHER INFORMATION CONTACT: Scott Pruitt, Field Supervisor, Bloomington, Indiana, Ecological Services Field Office, U.S. Fish and Wildlife Service, 620 South Walker Street, Bloomington, IN 47403; telephone: (812) 334–4261, extension 214; or Rick Amidon, Fish and Wildlife Biologist, Ecological Services, Midwest Regional Office, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; telephone: (612) 713–5164.

SUPPLEMENTARY INFORMATION:

Background

We have received an application from Fowler Ridge Wind Farm LLC, Fowler Ridge II Wind Farm LLC, Fowler Ridge III Wind Farm LLC, and Fowler Ridge IV Wind Farm LLC, collectively referred to as Fowler Ridge, for an incidental take permit (TE95012A) under the ESA (16 U.S.C. 1531 *et seq.*). If approved, the permit would be for a 21-year period and would authorize incidental take of the endangered Indiana bat (*Myotis sodalis*).

The applicant has prepared an HCP that covers the operation of Phases I–IV of the project. The project consists of a wind-powered electric generation facility located in an approximately 72,947-acre area (the project area including a one-half-mile buffer around the outside turbines) in Benton County, Indiana. The HCP describes the following: (1) Biological goals and objectives of the HCP; (2) covered activities; (3) permit duration; (4) project area; (5) alternatives to the taking that were considered; (5) public participation; (6) life history of the Indiana bat; (6) quantification of the take for which authorization is requested; (7) assessment of direct and indirect effects of the taking on the Indiana bat within the Midwest Recovery Unit (as delineated in the 2007 Indiana Bat Draft Recovery Plan, Service) and range-wide; (8) a conservation program consisting of avoidance and minimization measures, mitigation, monitoring, and adaptive management; (9) funding for implementation of the HCP; (10) procedures to deal with changed and unforeseen circumstances; and (11) methods for permit amendments.

In addition to the HCP, the applicant has prepared an IA to document the responsibilities of the parties. Pursuant to the NHPA (16 U.S.C. 470, 470f), the Service has initiated Section 106 consultation with the Indiana State Historic Preservation Office regarding the construction of turbines under Phase IV of the FRWF project and the implementation of mitigation projects in accordance with the terms of the HCP. Sites have not been selected for the Phase IV turbines or for any required mitigation. Therefore, future efforts will be required to identify archaeological sites that may be adversely affected by the construction of Phase IV turbines and implementation of mitigation. Following siting of the Phase IV turbines and location of mitigation sites, archaeological surveys will be conducted, with plans and reports submitted to the Indiana State Historic Preservation Office for review. The PA between the Service, Fowler Ridge, and the Indiana State Historic Preservation Office describes the process for conducting the surveys, evaluating the results of the surveys, and determining if resources can be avoided or if additional surveys or mitigation are necessary before the Section 106 process is completed. The final PA will be signed prior to issuance of the EIS Record of Decision. The Section 106 process will be completed and a memorandum of agreement signed prior to construction or mitigation beginning.

Public Involvement

The Service formally initiated public scoping and an environmental review of the project through publication of a Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register** on May 25, 2011 (76 FR 30384–30386). Utilizing the public scoping comments, the Service prepared a draft EIS to analyze the effects of the alternatives on the human environment. The draft EIS was released for a 60-day public comment on April 5, 2013 (78 FR 20690–20692). A public meeting was held on April 18, 2013, at the Benton County Government Annex, 410 South Adeway, Suite A, Fowler, IN to solicit additional input from the public on the

HCP and Draft EIS. The official comment period ended on June 4, 2013.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531, 1539(c)) and its implementing regulations (50 CFR 17.22), NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR Part 46), and Section 106 of the NHPA (16 U.S.C. 470, 470f) and its implementing regulations (36 CFR Part 800). We will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA. A permit decision will be made no sooner than 30 days after the publication of the EPA's FEIS notice in the **Federal Register** and completion of the Record of Decision. If we determine that all requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the ESA to Fowler Ridge for take of the Indiana bat, incidental to otherwise lawful activities in accordance with the HCP, the IA, and the permit.

Dated: February 11, 2013.

Lynn Lewis,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2014–00609 Filed 1–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[134A2100DDD/AAK3003000/A0H501010/241A00]

Indian Child Welfare Act; Designated Tribal Agents for Service of Notice

AGENCY: Bureau of Indians Affairs, Interior.

ACTION: Notice.

SUMMARY: The regulations implementing the Indian Child Welfare Act provide that Indian tribes may designate an agent other than the tribal chairman for service of notice of proceedings under the Act. This notice includes the current list of designated tribal agents for service of notice.

FOR FURTHER INFORMATION CONTACT: Chief, Division of Human Services, 1849 C Street NW., Mail Stop 4513–MIB, Washington, DC 20240; Telephone: (202) 513–7622.

SUPPLEMENTARY INFORMATION: The regulations implementing the Indian Child Welfare Act, 25 U.S.C. 1901 *et seq.*, provide that Indian tribes may designate an agent other than the tribal chairman for service of notice of proceedings under the Act. *See* 25 CFR 23.12. The Secretary of the Interior is required to publish in the **Federal Register** on an annual basis the names and addresses of the designated tribal agents. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

A. List of Regions

1. Alaska Region
2. Eastern Region
3. Eastern Oklahoma Region
4. Great Plains Region
5. Midwest Region
6. Navajo Region
7. Northwest Region
8. Pacific Region
9. Rocky Mountain Region
10. Southern Plains Region
11. Southwest Region
12. Western Region

B. List of Designated Tribal Agents by Region

1. Alaska Region—2013 Alaska Region

Alaska Region Director, P.O. Box 21647, Juneau, AK 99802–5520; Phone: (907) 586–7611; Fax: (907) 586–7037

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Afognak, Native Village of, Denise Malutin, ICWA Worker, 323 Carolyn Street Kodiak, AK 99615; Phone: (907) 486–6357; Fax: (907) 486–6529; Email: *denise@afognak.org*

Agdaagux Tribe of King Cove, Tara Bourdukofsky, M.S., Human Services Director, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, AK 99518–1408; Phone: (907) 276–2700; Toll-Free: 1–800–478–2742; Fax: (907) 222–9735; Email: *taralb@apiai.org*

Akhiok, Native Village of, Cassie Hickey, ICWA Coordinator, 3449 Rezanof Drive East, Kodiak, AK 99615; Phone: (907) 486–9882; Fax: (907) 486–1410; Email: *cassie.hickey@kanaweb.org;* and James Tucker; Phone: 907–836–2205; Fax: 907–836–2345; Email: *james.tucker@kanaweb.org*

Akiachak Native Community, Georgianne Wassilie, ICWA Worker and Brian Henry, Business Manager, P.O. Box 51070, Akiachak, AK 99551; Phone: (907) 4626/4615; Fax: (907) 825–4029 2227; and Cheryl Offt, ICWA Director, Association of Village Council Presidents, P.O. Box 219, Bethel, AK 99559; Phone: (907) 543–7400; Fax: (907) 543–5759; Email: *cofft@avcp.org*

Akiak Native Community, Sheila Williams, Tribal Administrator, P.O. Box 52127, Akiak, AK 99552; Phone: (907) 765–7117; Fax: (907) 765–7512

Akutan, Native Village of, Tara Bourdukofsky, M.S., Human Services Director, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, AK 99518–1408; Phone: (907) 276–2700; Toll-Free: 1–800–478–2742; Fax: (907) 222–9735; Email: *taralb@apiai.org*

Alakanuk, Village of, Charlene Striling, ICWA Worker, Box 149, Alakanuk, AK 99554; Phone: (907) 238–3704; Fax: (907) 238–3705; Email: *csmith@avcp.org;* and Cheryl Offt, ICWA Director, Association of Village Council Presidents, P.O. Box 219, Bethel, AK 99559; Phone: (907) 543–7400; Fax: (907) 543–5759; Email: *cofft@avcp.org*

Alatna Village, Catherine Henzie, Tribal Family Youth Specialist, P.O. Box 70, Allakaket, AK 99720; Phone: (907) 968–2261; Fax: (907) 968–2305; and Tanana Chiefs Conference, Legal Department, 122 First Avenue, Suite 600, Fairbanks, AK 99701; Phone: (907) 452–8251, Ext. 3178; Fax: (907) 459–3953

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Lower Kalskag (See Lower Kalskag)

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King Cove (see Agdaagux)

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Kodiak Tribal Council (see Sun'aq)

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Koliganek Village (see New Koliganek)

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Mountain Village (see Asa'carsarmiut)

N

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Quinhagak (see Kwinhagak)

Qissunaimut Tribe (see Chevak)

R

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Russian Mission (see Iqurmuit Traditional Council)

S

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Saint Michael (see St. Michael)

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Sand Point (see Qagan Tayaguyngin Tribe of Sand Point Village)

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Sheldon's Point (see Nunam Iqua)

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St. Mary's (see Algaaciq)

St. Mary's Igloo (see Teller)

St. George (see Saint George)

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Unalaska (see Qawalangin Tribe of Unalaska)

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Upper Kalskag Native Village (see Kalskag)

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Upper Skagit Indian Tribe, Felice Keegahn, Indian Child Welfare Coordinator, 25959 Community Plaza Way, Sedro Woolley, WA 98284; Telephone: (360) 854–7077; Fax: (360) 854–7125; Email: *felicek@upperskagit.com*

W

Warm Springs Tribal Court, Confederated Tribes of Warm Springs Reservation, Chief Judge Lola Sohappy, ICWA Contact, P.O. Box 850, Warm Springs, OR 97761; Telephone: (541) 553–3454; Fax: (541) 553–3281

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Auburn Rancheria, Attn: Cheryl Douglas, United Auburn Indian Community, 935 Indian Rancheria Road, Auburn, CA 95603; Telephone: (916) 251–1550; Fax: (530) 887–1028

Augustine Band of Cahuilla Indians, Mary Ann Green, Chairperson, P.O. Box 846, Coachella, CA 92236; Telephone: (760) 398–4722

B

Barona Band of Mission Indians, Charity White-Voth, Kumeyaay Family Services Director, Southern Indian Health Council, Inc., 4058 Willow Rd., Alpine, CA 91903; Telephone: (619) 445–1188; Fax: (619) 445–0765

Bear River Band of Rohnerville Rancheria, Vevila Hussey, Social Services Director, 27 Bear River Drive, Loleta, CA 95551; Telephone: (707) 773–1900, Ext: 290; Fax: (888) 733–1900; Email: *vevilahussey.brb@nsn.gov*

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Big Pine Paiute Tribe, Rita Mendoza, Tribal Court Clerk/ICWA Representative, P.O. Box 700 or 825 S. Main Street, Big Pine, CA 93513; Telephone: (760) 938–2003; Fax: (760) 938–2942; Email: *r.mendoza@bigpinepaiute.org*

Big Sandy Rancheria, Dorothy Barton, MSW, ICWA/Social Services Coordinator, P.O. Box 337, Auberry, CA 93602; Telephone: (559) 855–4003, Ext: 215; Fax: (559) 855–4129; Email: *dbarton@bsrnation.com*

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Buena Vista Rancheria of Me-Wuk Indians, Penny Arciniaga, Tribal Member Services, 1418 20th Street, Suite 200, Sacramento, CA 95811; Telephone: (916) 491–0011; Fax: (916) 491–0012; Email: *penny@buenavistatribe.com*

C

Cabazon Band of Mission Indians, Chairman, 84–245 Indio Springs Drive, Indio, CA 92201; Telephone: (760) 342–2593; Fax: (760) 347–7880

California Valley Miwok Tribe, as of date, there is no recognized government for this federally recognized tribe. Please contact Pacific Regional Director for up to date information.

Cahuilla Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, CA 92590; Telephone: (951) 676–8832; Fax: (951) 676–3950

Campo Band of Mission Indians, Charity White-Voth, Kumeyaay, Family Services Director, Southern Indian Health Council, Inc., 4058 Willow Rd., Alpine, CA 91903; Telephone: (619) 445–1188; Fax: (619) 445–0765

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Cher-Ae Heights Indian Community of the Trinidad Rancheria, Amy Atkins, Executive Manager, P.O. Box 630, Trinidad, CA 95570; Telephone: (707) 677–0211; Fax: (707) 677–3921; Email: *aatkins@trinidadrancheria.com*

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Cold Springs Rancheria, Terri Works, ICWA Director, 32861 Sycamore Rd, Suite #300, Tollhouse, CA 93667; Telephone: (559) 855–5043/(559) 855–8360; Fax: (559) 855–4445; Email: *csrancheriaterri@netptc.net*

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Coyote Valley Band of Pomo Indians, c/o Lorraine Laiwa, Indian Child And Family Preservation Program, 684 South Orchard Avenue, Ukiah, CA 95482; Telephone: (707) 463–2644; Fax: (707) 463–8956

Cuyapaipe Ewiiaapaayp Band of Kumeyaay Indians (See Ewiiaapaayp Band of Kumeyaay Indians

D

Dry Creek Rancheria Band of Pomo Indians, Percy Tejada, ICWA Advocate, P.O. Box 607, Geyserville, CA 95441; Telephone: (707) 522–4248; Fax: (707) 522–4291; Email: *percyt@drycreekrancheria.com*

E

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Ewiiaapaayp Band of Kumeyaay Indians, Will Micklin, CEO, 4050 Willow Road, Alpine, CA 91901; Telephone: (619) 445–6315; Fax: (619) 445–9126

F

Federated Indians of Graton Rancheria, Lara Walker, Human Services, 6400 Redwood Drive, Suite 300, Rohnert Park, CA 94928; Telephone: (707) 566–2288; Fax: (707) 566–2291; Email: *lwalker@gratonrancheria.com*

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H

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K

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Santa Rosa Band of Cahuilla Indians, John Marcus, Chairman, P.O. Box 391820, Anza, CA 92539; Telephone: (951) 659–2700; Fax: (951) 689–2228

Santa Rosa Rancheria Tachi-Yokut Tribe, Janice Cuara, Tribal Administrator, 16835 Alkali Drive; P.O. Box 8, Lemoore, CA 93245; Telephone: (559) 924–1278, Ext: 4051; Cell: (559) 381–4928; Fax: (559) 925–2931; Email: *jcuara@tachi-yokut.com*

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Soboba Band of Luiseno Indians, Nancy Currie, Tribal Social Worker, Soboba Tribal Family Services Department; P.O. Box 487, San Jacinto, CA 92581; Telephone: (951) 487–0283; Fax: (951) 487–1738

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E

Eastern Shoshone Tribe of the Wind River Reservation, ICWA Coordinator, P.O. Box 1796, Fort Washakie, WY 82514; Telephone: (307) 332–2669; Fax: (307) 332–6593

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Fort Belknap Community Council, Myron L. Trottier, ICWA Case Manager/Acting Director, Fort Belknap Social Services, 656 Agency Main Street, Harlem, MT 59526; Telephone: (406) 353–8346 or (406) 353–8370; Fax: (406) 353–4634; Email: *mtrottier@ftbelknap.org*

Fort Peck Assiniboine and Sioux Tribes, Ms. Lois Weeks, ICWA Case Manager, P.O. Box 1027, Poplar, MT 59255; Telephone: (406) 768–2402; Fax: (406) 768–3710; Email: *lweeks@fptc.org*

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10. Southern Plains Region

Southern Region Director, P.O. Box 368, Anadarko, OK 73005; Telephone: (405) 247–6673, Ext. 217; Fax: (405) 247–5611

A

Absentee-Shawnee Tribe of Oklahoma Indians, Annette Wilson, Social Services, 2025 S. Gordon Cooper Drive, Shawnee, OK 74801; Telephone: (405) 275–4030; Fax: (405) 273–7938

Alabama-Coushatta Tribe of Texas, Samantha Battiest; (936) 563–1252; Fax: (936) 563–1254; Email: *battiest.samantha@actribe.org*

Apache Tribe of Oklahoma, Anadarko Agency, Community Services, P.O. Box 309, Anadarko, Oklahoma 73005; Sallie Allen, Supervisory Social Worker; (405) 247–8515; Fax (405) 247–2252; Email: *sallie.allen@bia.gov*

C

Caddo Nation of Oklahoma, Mary Prentiss, ICW Caseworker, P.O. Box 487, Binger, OK 73009; Telephone: (405) 656–9222; Fax: (405) 656–3237; Email: *mprentiss@caddonation.com*

Cheyenne and Arapaho Tribes of Oklahoma, Larenda Morgan, Executive Director and Yolanda Woods, ICW Director, P.O. Box 38, Concho, OK 73022; Telephone: (405) 422–7476/(405) 201–3188; Fax: (405) 422–8218 or (405) 422–3164; Email: *lmorgan@c-a-tribes.org; ywoods@c-a-tribes.org*

Citizen Potawatomi Nation, Janet Draper, Director, 1601 S. Gordon Cooper Drive, Shawnee, OK 74801; Telephone: (405) 878–4831; Fax: (405) 878–4659; Email: *jdraper@potawatomi.org*

Comanche Nation-Oklahoma, Mona Perea, ICW Director, P.O. Box 908, Lawton, OK 73502; Telephone: (580) 492–3374; Fax: (580) 354–3838; Email: *ramonap@comanchenation.com*

D

The Delaware Nation, Juan Feliciano, ICW Director, P.O. Box 825, Anadarko, OK 73005; Telephone: (405) 247–2448, Ext: 1152; Fax (405) 247–5942; Email: *Jfeliciano@delawarenation.com*

F

Fort Sill Apache Tribe of Oklahoma, Ramona Austin, ICWA Director, 43187 US Highway 281, Apache, OK 73006; Telephone: (580) 588–2298; Fax: (580) 588–2106

I

Iowa Tribe of Kansas, Chairperson, 3345 B., Thrasher Rd., White Cloud, KS 66094; Telephone: (785) 595–3258

Iowa Tribe of Oklahoma, Janice Rowe-Kurak, Chairman, 335588 E. 750 Road Perkins, OK 74059; Telephone: (405) 547–2402; Fax: (405) 547–1032; Email: *row-kurak@iowanation.org*

K

Kaw Nation, Chairperson, Drawer 50, Kaw City, Oklahoma 74641; Telephone: (580) 269–2552

Kickapoo Traditional Tribe of Texas, Director Indian Child Welfare, 286 Falcon Blvd., Eagle Pass, TX 78852; Telephone: (830) 766–5601; Work Cell: (830) 513–2937; Fax: (830) 776–5605

Kickapoo Tribe of Indians of The Kickapoo Reservation in Kansas, Chairperson, P.O. Box 271, Horton, KS 66439; Telephone: (785) 486–2131

Kickapoo Tribe of Oklahoma, Jodi Michele Warrior, Indian Child Welfare Director, P.O. Box 469, McLoud, OK 74851; Telephone: (405) 964–5426; Fax: (405) 964–5431; Email: *jwarrior@kickapootribeofoklahoma.com*

Kiowa Tribe of Oklahoma, Shannon Ahtone, ICWA Director, P.O. Box 369, Carnegie, Oklahoma 73015; Telephone: (580) 654–2300; Fax: (580) 654–2363

O

Otoe-Missouria Indian Tribe of Oklahoma, Ada Mehojah, Social Services Director, 8151 Highway 177, Red Rock, OK 74651; Telephone: (580) 723–4466, Ext: 256; Cell Phone: (580) 307–7303; Fax: (580) 723–1016; Email: *amehojah@omtribe.org*

P

Pawnee Nation of Oklahoma, Joanna (Jodi) Flanders, BSW, MSW, ICW Coordinator, P.O. Box 470, Pawnee, OK 74058; Telephone: (918) 763–3873; Fax: (918) 762–6453 Email: *jflanders@pawneenation.org*

Ponca Tribe of Oklahoma, Chairperson, 20 White Eagle Drive, Ponca City, OK 74601; Telephone: (580) 762–8104

Prairie Band of Potawatomi Nation, Chairperson, 16281 Q. Road, Mayetta, KS 66509; Telephone: (785) 966–2255

S

Sac and Fox Nation in Kansas and Nebraska, Michael Dougherty, Tribal Chairperson, 305 N. Main Street, Reserve, KS 66434; Telephone: (785) 742–0053, Ext: 23; Fax: (785) 742–7146

Sac and Fox Nation, Principal Chief, Route 2, Box 246, Stroud, OK 74079; Telephone: (918) 968–3526

T

Tonkawa Tribe of Oklahoma, President, P.O. Box 70, Tonkawa, OK 74653; Telephone: (580) 628–2561

W

Wichita & Affiliated Tribes, Joan Williams, Family & Children Services Director, P.O. Box 729, Anadarko, OK 73005; Telephone: (405) 247–8627; Fax: (405) 247–8873; Email: *joan.williams@wichitatribe.com*

11. Southwest Region

Southwest Region Director, 1001 Indian School Road NW., Albuquerque, NM 87104; Phone: (505) 563–3103; Fax: (505) 563–3101

Pueblo of Acoma, Marsha Vallo, Acting Social Services Director/ICWA Placement Worker, P.O. Box 309, Acoma, NM 87034; Phone: (505) 552–5162, Ext: 5154; Cell: (505) 382–4429; Fax: (505) 552–6206; Email: *mailto:Mlvallo@puebloofacoma.org*

C

Pueblo de Cochiti, Richard Pecos, Tribal Administrator, 255 Cochiti Street, P.O. Box 70, Cochiti Pueblo, NM 87072; Phone: (505) 465–3104; Fax: (505) 465–1135; Email: *richard_pecos@pueblodeconchiti.org*

I

Pueblo of Isleta, Caroline Dailey, Acting ICWA Director, P.O. Box 1270, Isleta, NM 87022; Phone: (505) 869–2772; Fax (505) 869–5923

J

Pueblo of Jemez, Annette Chinana, Jemez Social Service Program-Child Advocate, P.O. Box 340, Jemez Pueblo, NM 87024; Phone: (575) 834–7117; Fax: (575) 834–7103; Email: *Annette.chinana@jemezpueblo.us*

Jicarilla Apache Nation, Olivia Nelson-Lucero, Acting Program Manager, Jicarilla Behavioral Health, P.O. Box 546, Dulce, NM 87528; Phone: (575) 759–1712; Fax: (575) 759–3757; Email: *onelson@jbhd.org*

L

Pueblo of Laguna, Marie A. Alarid, Program Manager and Rebecca Quam, Social Services Specialist II (back-up), P.O. Box 194, Laguna, NM 87026; Phone: (505) 552–9712; Fax: (505) 552–6484; Email: *malarid@lagunapueblo-nsn.gov* or *rquam@lagunapueblo-nsn.gov*

M

Mescalero Apache Tribe, Crystal Garcia, Tribal Census Clerk, P.O. Box 227,

Mescalero, NM 88340; Phone: (575) 464–9209; Fax: (575) 464–9191; Email: *cgarcia@matisp.net*

N

Pueblo of Nambe, Rhonda Padilla, ICWA Manager, Route 1, Box 117–BB, Santa Fe, NM 87506; Phone: (505) 0133; Fax: (505) 455–4457; Email: *rpadilla@nambepueblo.org*

O

Ohkay Owingeh, Rochelle Thompson, ICWA Director, P.O. Box 1187, Ohkay Owingeh, NM 87566; Phone: (575) 770–0033; Fax: (505) 852–1372; Email: *Rochelle.thompson@ohkayowingehnsn.gov*

P

Pueblo of Picuris, Jose Albert Valdez, P.O. Box 127, Penasco, NM 87553; Phone: (575) 587–1003; Cell: (575)779–2146; Fax: (575) 587–1003; Email: *javicwa@aol.com*

Pueblo of Pojoaque, Shirley Catanach, Director, 58 Cities of Gold Road, Suite 4, Santa Fe, NM 87506; Phone: (505) 455–0238; Fax: (505) 455–2363; Email: *javicwa@aol.com*

R

Ramah Navajo School Board, Inc., Marlene Martinez, Administrative Services Director, P.O. Box 10, Pine Hill, NM 87357; Phone: (505) 775–3256; Fax: (505) 775–3240; Email: *marlene@rnsb.k12.nm.us*

S

Pueblo of San Felipe, Darlene Valencia, MSW, Family Services Department Director, P.O. Box 4339, San Felipe Pueblo, NM 87004; Phone: (505) 771–9900; Fax: (505) 867–6166; Email: *dvalencia@sfpueblo.com*

Pueblo of San Ildelfonso, Julie Sanchez, ICWA Manager/Family Advocate, 02 Tunyo Po, Santa Fe, NM 87506; Phone: (505) 455–4164; Fax: (505) 455–7942; Email: *jjsanchez@sanipueblo.org*

Pueblo of Sandia, Randall Berner, Behavioral Health Manager, 481 Sandia Loop, Bernalillo, NM 87004; Phone: (505) 867–5131; Fax: (505) 867–7099; Email: *rberner@sandiapueblo.nsn.us*

Pueblo of Santa Ana, Myron Armijo, Governor, Santa Ana Pueblo, 02 Dove Road, Santa Ana Pueblo, NM 87004; Phone: (505) 771–6702; Fax:(505) 771–6575; Email: *governor@santaana-nsn.gov*

Pueblo of Santa Clara, Cheryl Tafoya, ICWA Worker, P.O. Box 580, Espanola, NM 87532; Phone: (505) 753–0419 or (505) 692–6250; Fax: (505) 753–0420; Email: *ectafoya@santaclarapueblo.org*

Santo Domingo-Kewa, Virginia Tenorio, ICWA Worker, P.O. Box 129, Santo Domingo, NM 87052; Phone: (505) 465–0630; Fax: (505) 465–2854; Email: *Vtenorio@kewa-nsn.gov*

Southern Ute Indian Tribe, Jerri Sindelar, ICWA Caseworker, MS 40, P.O. Box 737, Ignacio, CO 81137; Phone: (970) 769–2920; Fax: (970) 563–0334; Email: *jsindelar@southernute.nsn.us*

T

Pueblo of Taos, Maxine Nakai, LISW Ezra Bayles, Division Director, P.O. Box 1846, Taos, NM 87571; Phone: (575) 758–7824; Fax: (575) 758–3347; Email: *EBayles@taospueblo.com*

Pueblo of Tesuque, Jeanette Jagles, Director Social Services, Route 42, Box 360–T, Santa Fe, NM 87506; Phone: (505) 955–7713; Fax: (505) 982–2331; Email: *jjagles@pueblooftesuque.org*

U

Ute Mountain Ute Tribe, Janelle Doughty, Director, MSW/CW/ICWA Director; P.O. Box 309, Towaoc, CO 81334; Phone: (970) 564–5302; Fax: (970) 564–5300; Email: *jdought@utemoutain.org*

Y

Ysleta del Sur Pueblo, Jesus Donacio, ICW Specialist, 9314 Juanchido Ln., El Paso, TX 79907; Phone: (915) 860–6119, Ext. 6174; Fax: (915) 858–2367; Email: *JDonacio@ydsp-nsn.gov*

Z

Pueblo of Zia, Pueblo of Zia, Governor's Office,135 Capital Square Drive, Zia Pueblo, NM 87053; Phone: (505) 867–3304, Ext. 241; Fax: (505) 867–3308

Pueblo of Zuni, Betty Nez, Program Manager, P.O. Box 339, Zuni, NM 87327; Phone: (505) 782–7166; Fax: (505) 782–7221; Email: *betnez@ashiwi.org*

12. Western Region

Western Region Director, 2600 North Central Avenue, Phoenix, AZ 85004; Telephone: (602) 379–6600; Fax: (602) 379–4413

A

Ak-Chin Indian Community, Carole Lopez, Enrollment Specialist, 42507 West Peters Road & Nall Road, Maricopa, AZ 85138; Telephone: (520) 568–1000; Fax: (520) 568–1001; Email: *clopez@AK-chin.nsn.us*

B

Battle Mountain Band Council, Monica Price, Social Worker III/ICWA Coordinator, 37 Mountain View Drive, Battle Mountain, NV 89820; Telephone: (775) 635–2004; Fax: (775) 635–8528

C

Chemehuevi Indian Tribe, Ronald Escobar, Secretary/Treasurer, P.O. Box 1976, Havasu Lake, CA 92363; Telephone: (760) 858–4219; Fax: (760) 858–5400

Cocopah Indian Tribe, Brenda J. Smith, Director, Social Services, 14515 South Veterans Drive, Somerton, AZ 85350; Telephone: (928) 627–3729; Fax: (928) 627–3316; Email: *cocosocser@cocopah.com*

Colorado River Indian Tribes, Daniel L. Barbara, M.Ed., Executive Director, Department of Health & Social Services, 12302 Kennedy Drive, Parker, AZ 85344; Telephone: (928) 669–6577; Fax: (928) 669–8881; Email: *daniel.barbara@CRIT–DHS.org*

Confederated Tribes of the Goshute Reservation, Stefany Sellick, Director, P.O. Box 6104, Ibapah, UT 84034; Telephone: (435) 234–1178; Fax: (435) 234–1219

D

Duckwater Shoshone Tribe, Iskandar Alexandar, MSW, Social Worker, P.O. Box 140087, Duckwater, NV 89314; Telephone: (775) 863–0222; Fax: (775) 863–0142

E

Elko Band Council of Te- Moak Tribe, Chesarae Christean, Social Worker, 1745 Silver Eagle Drive, Elko, NV 89801; Telephone: (775) 738–8889; Fax: (775) 778–3397; Email: *elkobandsocial@frontiernet.net*

Ely Shoshone Tribe, RaeJean Morrill, Social Worker II, 16 Shoshone Circle, Ely, NV 89301; Telephone: (775) 289–4133; Fax: (775) 289–3237

F

Fallon Paiute-Shoshone Tribe, ICWA Representative, 1007 Rio Vista, Fallon, NV 89406; Telephone: (775) 423–1215; Fax: (775) 423–8960; Email: *ssdirector@fpst.org*

Fort McDermitt Paiute-Shoshone Tribe, Dee Crutcher, ICWA Advocate, P.O. Box 68, McDermitt, NV 89421; Telephone: (775) 532–8263, Ext. 111; Fax: (775) 532–8060; Email: *dee.rutcher@fmpst.org*

Fort McDowell Yavapai Nation, James Esquirell, CPS/ICWA Coordinator, Wassaja Family Services, P.O. Box 17779, Fountain Hills, AZ 85269; Telephone: (480) 789–7820; Fax: (480) 837–4809; Email: *jesquirell@ftmcdowell.org*

Fort Mojave Indian Tribe, Melvin Lewis Sr., Director, 500 Merriman Avenue, Needles, CA 92363; Telephone: (928) 346–1550; Fax: (928) 346–1552; Email: *ssdir@ftmojave.com*

G

Gila River Indian Community, Byron Donahue, ICWA Case Manager, P.O. Box 427, Sacaton, AZ 85147; Telephone: (520) 562–3396; Fax: (520) 562–3633; Email: *byron.donahue@gric.nsn.us*

H

Havasupai Tribe, Davis Oldmouse, ICWA Coordinator, P.O. Box 10, Supai, AZ 86435; Telephone: (928) 448–2661; Fax: (928) 448–2663

The Hopi Tribe, Delores Coochyamptewa, ICWA Coordinator, P.O. Box 68, Second Mesa, AZ 86043; Telephone: (928) 737–2685; Fax: (928) 737–2697

Hualapai Tribe, Vonda R. Beecher, ICWA Worker, P.O. Box 480, Peach Springs, AZ 86434; Telephone: (928) 769–2269/2383/2384/2397; Fax: (928) 769–2659

K

Kaibab Band of Paiute Indians, Ronica L. Spute, Tribal Administrator; HC 65 Box 2, Fredonia, AZ 86022; Telephone: (928) 643–8320; Fax: (888) 822–3734; Email: *rspute@kaibabpaiute-nsn.gov*

L

Las Vegas Paiute Tribe, Ruth Fitz-Patrick, Social Services Caseworker, 1257 Paiute Circle, Las Vegas, NV 89106; Telephone: (702) 382–0784, Ext: 2236; Fax: (702) 384–5272; Email: *rfitzpatrick@lvpaiute.com*

Lovelock Paiute Tribe, Fran Machado, Social Services Director or Debbie George, ICWA Caseworker, 201 Bowean Street or Box 878, Lovelock, NV 89419; Telephone: (775) 273–7861; Fax: (775) 273–5151

M

Moapa Band of Paiutes, Dawn M. Bruce, Social Services Director, P.O. Box 308, Moapa, NV 89025; Telephone: (702) 865–

2708; Fax: (702) 864–0408; Email: *mbopsocialservices@mvdsl.com*

P

Paiute Indian Tribe of Utah, Tyler Goddard, Behavioral Care Director, 440 North Paiute Drive, Cedar City, UT 84721; Telephone: (435) 586–1112, Ext: 310; Fax: (435) 867–1516; Email: *tyler.goddard@ihs.gov*

Pascua Yaqui Tribe, Office of the Attorney General, Attn: Tamara Walters, Assistant Attorney General, 7777 S. Camino Huivisim, Bldg. C, Tucson, AZ 85757; Telephone: (520) 883–5108; Fax: (520) 883–5084; Email: *tamara.walters@pascuayaqui-nsn.gov*

Pyramid Lake Paiute Tribe, Rose Mary Joe-Kinale, Social Services Director, P.O. Box 256, Nixon, NV 89424; Telephone: (775) 574–1047; Fax: (775) 574–1052; Email: *rkinale@plpt.nsn.us*

Q

Quechan Tribal Council, Ronda C. Aguerro, Vice President, P.O. Box 1899, Yuma, AZ 85366–1899; Telephone: (760) 572–0213; Fax: (760) 572–2102; Email: *r.aguerro@quechantribe.com*

Reno-Sparks Indian Colony, Sharon James-Tiger, Human Services Manager, 405 Golden Lane, Reno, NV 89502; Telephone: (775) 329–5071; Fax: (775) 785–8758; Email: *sjames@rsic.org*

S

Salt River Pima-Maricopa Indian Community, Cheryl Scott, Assistant General Counsel, Office of the General Council, or Allison Miller, ICWA Supervisor, Social Services Division, Social Services Division, SRPMIC, 10005 East Osborn Road, Scottsdale, AZ 85256; Telephone: (480) 362–7471/7533; Fax: (480) 362–5574; Email: *Cheryl.scott@srpmic-nsn.gov; Allison.Miller@srpmic-nsn.gov*

San Carlos Apache Tribe, Aaron Begay, ICWA Coordinator, P.O. Box 0, San Carlos, AZ 85550; Telephone: (928) 475–2313; Fax: (928) 475–2342; Email: *abegay09@tss.scat-nsn.gov*

San Juan Southern Paiute Tribe, Savania Tsosie, Social Worker, 180 North 200 East, Suite 111, St. George, UT 84770; Telephone: (435) 674–9720; Fax: (435) 674–9714; Email: *savania.tsosie@bia.gov*

Shoshone-Paiute Tribes, Zannetta Hanks, Social Worker, P.O. Box 219, Owyhee, NV 89832; Telephone: (775) 757–2921, Ext. 23; Fax: (775) 757–2910; Email: *hanks.zannetta@shopai.org*

Skull Valley Band of Goshute Indians, Lori Bear, Chairwoman, P.O. Box 448, Grantsville, UT 84029; Telephone: (435) 882–4532; Fax: (435) 882–4889; Email: *ibear@svgoshutes.com*

South Fork Band Council, Debbie Honeyestewa, Social Services Director, 21 Lee, B–13, Spring Creek, NV 89815; Telephone: (775) 744–4273; Fax: (775) 744–4523

Summit Lake Paiute Tribe, Jerry Barr, Council Member, Council ICWA Liaison, 1708 H Street, Sparks, NV 89431; Telephone: (775) 685–6467; Fax: (775) 827–9678; Email: *jerry.barr@summitlaketribe.org*

T

Te-Moak Tribe of Western Shoshone Indians (See Elko Band Council)

Tohono O'odham Nation, Jonathan L. Jantzen, Attorney General, P.O. Box 830, Sells, AZ 85634; Telephone: (520) 383–3410; Fax: (520) 383–2689; Email: *jonathan.jantzen@tonation-nsn.gov*

Tonto Apache Tribe, Brian Echols, Social Services Director, Tonto Apache Reservation #30, Payson, AZ 85541; Telephone: (928) 474–5000, Ext. 8120, Fax: (928) 474–4159; Email: *bechols@TontoApache.org*

U

Ute Indian Tribe, Floyd M. Wyasket, Social Services Director, Box 190, Fort Duchesne, UT 84026; Telephone: (435) 725–4026 or (435) 823–0141; Fax: (435) 722–5030; Email: *floydw@utetribe.com*

W

Walker River Paiute Tribe, Elliott Aguilar, ICWA Specialist, P.O. Box 146 or 1029 Hospital Road, Schurz, NV 89427; Telephone: (775) 773–2058, Ext: 11; Fax: (775) 773–2096; Email: *eaguilar@wrpt.us*

Washoe Tribe of Nevada and California, Office of the Chairperson, 919 Highway 395 South, Gardnerville, NV 89410; Telephone: (775) 265–8600; Fax: (775) 265–8651

Wells Band Te-Moak Shoshone, Sarai Harney, Social Services/ICWA, P.O. Box 809, Wells, NV 89835; Telephone: (775) 345–3079; Fax: (775) 752–2474

White Mountain Apache Tribe, Cora Hinton, ICWA Representative/CPS Supervisor, P.O. Box 1870, Whiteriver, AZ 85941; Telephone: (928) 338–4164, Fax: (928) 338–1469; Email: *chinton@wmat.us*

Winnemucca Tribe, Chairman, P.O. Box 1370, Winnemucca, NV 89446

Y

Yavapai Apache Nation, Linda Fry, Director, Department of Social Services, 2400 West Datsi Street, Camp Verde, AZ 86322; Telephone: (928) 649–7106; Fax: (928) 567–6832; Email: *lfry@yan-tribe.org*

Yavapai-Prescott Indian Tribe, Elsie Watchman, Family Support Supervisor, 530 East Merritt, Prescott, AZ 86301; Telephone: (928) 515–7351; Fax: (928) 541–7945; Email: *ewatchman@ypit.com*

Yerington Paiute Tribe, Vonnie Snooks, Human Services Assistant, 171 Campbell Lane, Yerington, NV 89447; Telephone: (775) 463–7705; Fax: (775) 463–5929; Email: *hsprogramasst@ypt-nsn.gov*

Yomba Shoshone Tribe, Social Services Program, Eligibility Worker, HC 61 Box 6275, Austin, NV 89310; Telephone: (775) 964–2463; Fax: (775) 964–1352

Dated: December 16, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–00779 Filed 1–16–14; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000814]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Class III Gaming Compact taking effect.

SUMMARY: This notice publishes the Class III Gaming Compact between the Ramona Band of Cahuilla and the State of California taking effect.

DATES: Effective January 17, 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. The Compact between the State of California and the Ramona Band of Cahuilla allows for one gaming facility and authorizes the Tribe to operate up to 750 gaming devices, any banking or percentage card games, and any devices or games authorized under State law to the State lottery. The Compact, also, authorizes limited annual payments to the State for statewide exclusivity. Finally, the term of the compact is until December 31, 2033. The Secretary took no action on the Compact within 45 days of its submission by the Tribe and the State. Therefore, the compact is considered to have been approved, but only to the extent that the Compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Dated: January 2, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–00887 Filed 1–16–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000813]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Class III Gaming Compact taking effect.

SUMMARY: This notice publishes the Class III Tribal-State Gaming Compact between the Fort Independence Indian Community of Paiute Indians and the State of California.

DATES: *Effective Date:* January 17, 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 of 1988 (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. The Compact between the State of California and the Fort Independence Indian Community of Paiute Indians allows for one gaming facility and authorizes the Tribe to operate up to 850 gaming devices. The Tribe will make revenue sharing payments for gaming devices operated in excess of 350. Finally, the term of the Compact is until December 31, 2034. The Secretary took no action on the Compact within 45 days of its submission by the Tribe and the State. Therefore, the Compact is considered to have been approved, but only to the extent that the Compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Dated: January 2, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–00898 Filed 1–16–14; 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 Extension to Tribal-State Class III Gaming Compact.

SUMMARY: This publishes notice of the Extension of the Class III gaming compact between the Crow Creek Sioux Tribe and the State of South Dakota.

DATES: *Effective Date:* January 17, 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: Pursuant to 25 CFR 293.5, an extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not include any amendment to the terms of the compact. The Crow Creek Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact to May 30, 2014. This publishes notice of the new expiration date of the compact.

Dated: January 2, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–00901 Filed 1–16–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[13XL1109AF LLWO260000 L10600000.HG0000]

Renewal of Approved Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to continue the collection of information from those who wish to adopt and obtain title to wild horses and burros. The Office of Management and Budget (OMB) has assigned control number 1004–0042 to this information collection.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before February 18, 2014.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004–0042), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *OIRA_submission@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: Jean_Sonneman@blm.gov.

Please indicate "Attn: 1004–0042" regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Sally Spencer at 202–912–7265. Persons who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Ms. Spencer. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on September 25, 2013 (78 FR 59054), and the comment period ended November 25, 2013. The BLM received one comment. The comment was a general invective about the Federal government, the Department of the Interior, and the BLM. It did not address, and was not germane to, this information collection. Therefore, we have not changed the collection in response to the comment.

The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES.** Please refer to OMB control number 1004–0042 in your correspondence. 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.

The following information is provided for the information collection:

Title: Protection, Management, and Control of Wild Horses and Burros (43 CFR part 4700).

OMB Control Number: 1004–0042.

Summary: This notice pertains to the collection of information that enables the BLM to administer its private maintenance (i.e., adoption) program for wild horses and burros. The BLM uses the information to determine if applicants are qualified to provide humane care and proper treatment to wild horses and burros in compliance with the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1331–1340).

Frequency of Collection: On occasion.

Forms: Form 4710–10, Application for Adoption of Wild Horse(s) or Burro(s).

Description of Respondents: Those who wish to adopt and obtain title to wild horses and burros.

Estimated Annual Responses: 7,124.

Estimated Annual Burden Hours: 1,222.

Estimated Annual Non-Hour Costs: $1,850.

The estimated annual burdens are itemized in the following table:

A. Type of response	B. Number of responses	C. Time per response (minutes)	D. Total hours (column B x column C)
Application for Adoption of Wild Horse(s) or Burro(s); 43 CFR 4750.3–1 and 4750.3–2; Form 4710–10	7,000	10	1,167
Supporting Information and Certification for Private Maintenance of More Than Four Wild Horses or Burros; 43 CFR 4750.3–3	12	10	2
Request to Terminate Private Maintenance and Care Agreement; 43 CFR 4750.4–3	99	30	50
Request for Replacement Animals or Refund; 43 CFR 4750.4–4	13	15	3
Totals	7,124		1,222

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2014–00878 Filed 1–16–14; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON03000–L51100000–GA0000; COC–70538]

Notice of Intent To Prepare an Environmental Impact Statement and Notice of Public Meeting for the Book Cliffs Coal Lease by Application in Garfield County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent and notice of public meeting.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM), Colorado, Grand Junction Field Office, announces its intent to prepare an Environmental Impact Statement (EIS) to analyze the Book Cliffs lease by application (LBA) for approximately 14,160 acres of Federal coal reserves in Garfield County, Colorado. The Book Cliffs application tract has been assigned case number COC–70538.

DATES: This notice initiates the public scoping process for the Book Cliffs LBA EIS. Comments may be submitted in writing until February 18, 2014. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: *http://www.blm.gov/co/st/en/fo/gjfo.html.* All comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting (whichever is later) to be included in the Draft EIS. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit written comments on the Book Cliffs LBA EIS by any of the following methods:

- *Email: BLM_CO_GJ_Public_Comments@blm.gov.*
- *Fax:* (970) 244–3085.
- *Mail:* BLM, Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506, Attn, Christina Stark.

Please include "Books Cliffs LBA EIS" in the subject line. Documents pertinent to this application may be examined at the Grand Junction Field Office at the address above during its business hours (7:30 a.m.–4:30 p.m.), Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: For further information, or to have your name added to our mailing list, contact Christina Stark, Project Manager, at (970) 244–3022; see address above; or by email at *cstark@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: An application to lease Federal coal near the Town of Fruita, Colorado was filed with the BLM on September 12, 2006, by CAM-Colorado, LLC. This application was previously analyzed in a Draft Environmental Impact Statement (Draft EIS) that was released for public comment in January 2009. Based on the public comments, the BLM determined that additional environmental review was needed. This notice serves to announce the beginning of that additional review and analysis.

TheBook Cliffs LBA Tract includes approximately 78 million tons of in-place Federal coal underlying the following lands in Garfield County, Colorado.

Sixth Principal Meridian

T. 7 S., R. 101 W.,
Sec. 7, lot 8, and SE¼SE¼;
Sec. 8, S½SW¼, NE¼SW¼, and SE¼;
Sec. 16, lots 5 and 6, and that part of Tract 43 lying in the W½SW¼;
Sec. 17;

Sec. 18;
Sec. 19;
Sec. 20;
Sec. 21;
Sec. 28, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 32;
Sec. 33, lots 3 and 4, and NW¼.
T. 7 S., R. 102 W.,
Sec. 13, lots 2, 3, and 4, SW¼NE¼ S½NW¼, SW¼, and W½SE¼;
Sec. 14, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 23, NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 24;
Sec. 25;
Sec. 26, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 35;
Sec. 36.
T. 8 S., R.101 W.,
Sec. 4, lot 8;
Sec. 5;
Sec. 6;
Sec. 7;
Sec. 8;
T. 8 S., R. 102 W.,
Sec. 1;
Sec. 12, N½, and SE¼.

Containing approximately 14,160 acres.

If the BLM decides to approve the Book Cliffs LBA, the successful bidder would be responsible for securing and maintaining any local, state or Federal permits and approvals as applicable and required by law for future mining operations of the lease tract. Mining activities may subsequently be permitted by the Colorado Division of Reclamation, Mining and Safety or the Western Region of the Office of Surface Mining Reclamation and Enforcement (OSM).

At present, the BLM has identified the following preliminary issues: Air quality; water quality, supply and rights; wildlife and wildlife habitat; soils; recreation and visual resources; socio-economics; oil and gas development; paleontology; cultural resources; riparian habitat; livestock grazing; and transportation.

The BLM will use NEPA to satisfy the public involvement requirements under Sec 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the Book Cliffs LBA will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Sec. 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, state, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the Book Cliffs LBA may also request to participate in the development of the EIS as a cooperating agency. Currently, OSM, the Colorado Department of Natural Resources, and Garfield County are cooperating agencies. Other cooperating agencies may be identified during the scoping process.

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.

Authority: 43 CFR 3425.

John Mehlhoff,

BLM Colorado Acting State Director.

[FR Doc. 2014–00884 Filed 1–16–14; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVSO0000 L51010000 ER0000 LVRWF13F8740.241A; MO# 4500061313; 14–08807;]

Notice to Extend Mineral Segregation for the Searchlight Wind Energy Project, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice serves to extend the segregation of the identified lands for an additional 6 months from appropriation under the public land laws, including location under the Mining Law, but not the Mineral Leasing Act or the Materials Act, subject to valid existing rights. This segregation extension is warranted to allow for the orderly administration of the public lands to facilitate the development of valuable renewable resources and to avoid conflicts between renewable energy generation and mining claims.

DATES: This segregation extension for the lands identified in this notice is effective on January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Gregory Helseth, Renewable Energy Project Manager, 702–515–5173; 4701 North Torrey Pines Drive, Las Vegas, NV 89130–2301; email: *BLM_NV_SNDO_SearchlightWindEnergyEIS@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Searchlight Wind Energy, LLC (SWE), a wholly owned subsidiary of Duke Energy, applied to the BLM for a right-of-way (ROW) grant on public lands to develop a 200-megawatt (MW) wind energy facility. The ROW application area encompasses approximately 18,789.71 acres of BLM-administered public lands adjacent to Searchlight, located approximately 60 miles southeast of Las Vegas, in Clark County, Nevada. The project is in conformance with the 1998 Las Vegas Resource Management Plan.

Segregation of Lands: A Final Rule, published in the **Federal Register** (78 FR 25204) on April 30, 2013, amended the BLM regulations found in 43 CFR part 2090 and 2800 providing provisions allowing the BLM to temporarily segregate from the operation of the public land laws, by publication of a **Federal Register** notice, public lands included in a pending wind energy generation ROW application in order to promote the orderly administration of the public lands. The Final Rule for segregation allows a State Director to extend the project-specific segregation if that segregation would expire before a decision can be made.

The initial 2-year segregation would expire on January 20, 2014. The segregation is necessary to prevent the filing of mining claims in the project area that would hinder the development of the project and increase costs to the development of the project. This temporary segregation extension does not affect valid existing rights in mining claims located before this segregation notice. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature which would not impact lands identified in this notice may be allowed with the approval of an authorized officer of the BLM during the segregative period. The lands segregated under this notice are legally described as follows:

Mount Diablo Meridian

T. 28 S., R. 63 E.,
Sec. 22, that portion of the E½SE¼ lying east of the easterly right-of-way of S.R. 95 NVCC–020733;
Sec. 23, that portion lying east of the easterly right-of-way of S.R. 95 NVCC–020733, excepting Patent No. 27–72–0013, and patented mineral surveys;
Sec. 24, excepting patented mineral surveys;
Sec. 25, excepting patented mineral surveys;
Sec. 26, excepting patented mineral surveys;
Sec. 27, those portions of lots 1, 8, 9, 10, 14, and 15 lying east of the easterly right-of-way of S.R. 95 NVCC–020733.
T. 29 S., R. 63 E.,
Sec. 1;
Sec. 11, that portion lying east of airport leases NEV–065340 and N–81843;
Sec. 13;
Sec. 14, that portion lying east of the easterly right-of-way of S.R. 95 NVCC–020845, excepting airport lease NEV–065340;
Sec. 24, that portion lying east of the easterly right-of-way of S.R. 95 NVCC–020845;
Sec. 25, that portion lying east of the easterly right-of-way of S.R. 95 NVCC–020845.
T. 28 S., R. 64 E.,
Secs. 19 and 20;
Sec. 26, those portions of the N½NE¼SW¼, N½NW¼SW¼, and W½NW¼NW¼SE¼, lying north of the northerly right-of-way of Cottonwood Cove Road;
Secs. 27 and 28;
Sec. 29, excepting patented mineral surveys;
Sec. 30, excepting patented mineral surveys;
Sec. 31, excepting patented mineral surveys;
Sec. 32, excepting patented mineral surveys;
Secs. 33 and 34.
T. 29 S., R. 64 E.,
Sec. 4;
Sec. 5, excepting patented mineral surveys;
Secs. 6 to 8 inclusive, 17 to 20 inclusive, and 29 and 30.

The area described contains 18,789.71 acres, more or less, in Clark County, Nevada. The segregation extension of lands identified in this notice will not exceed 6 months from the date of publication. Termination of the segregation, as provided in the Final Rule, is the date that is the earliest of the following: Upon issuance of a decision by the authorized officer granting, granting with modifications, or denying the application for a ROW; automatically at the end of the six month segregation; or upon publication of a **Federal Register** notice of termination of the segregation.

Upon termination of segregation of these lands, all lands subject to this segregation will automatically reopen to appropriation under the public land laws.

(Authority: 43 CFR 2800 and 2090).

Amy Lueders,
State Director.

[FR Doc. 2014–00885 Filed 1–16–14; 8:45 am]
BILLING CODE 4310–HC–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–498 and 731–TA–1213–1214 (Final)]

Certain Steel Threaded Rod From India and Thailand; Scheduling of the Final Phase of Countervailing Duty and Antidumping Investigations.

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–498 and 731–TA–1213–1214 (Final) under sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)) (the Act) to determine whether 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 India and Thailand of certain steel threaded rod, provided for primarily in subheading 7318.15.50 of the Harmonized Tariff Schedule of the United States,[1] that are alleged to be sold in the United States at less than fair value (LTFV) and subsidized by the Government of India.

For further information concerning the conduct of this phase of the investigations, hearing procedures, 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 C (19 CFR part 207).

DATES: Effective December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Nathanael Comly (202–205–3174) or Michelle Breaux (202–205–2781), 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.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in India of certain steel threaded rod, and that such products from India and Thailand are being sold in the United

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as: "Steel threaded rod is certain threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold-drawn, cold-rolled, machine straightened, or otherwise cold-finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to these investigations are nonheaded and threaded along greater than 25 percent of their total length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.*, galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.

Included in the scope of these investigations are steel threaded rod, bar, or studs, in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 1.80 percent of manganese, or
- 1.50 percent of silicon, or
- 1.00 percent of copper, or
- 0.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 1.25 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.012 percent of boron, or
- 0.10 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.41 percent of titanium, or
- 0.15 percent of vanadium, or
- 0.15 percent of zirconium.

Steel threaded rod is currently classifiable under subheadings 7318.15.5051, 7318.15.5056, 7318.15.5090 and 7318.15.2095 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Excluded from the scope of these investigations are: (a) Threaded rod, bar, or studs which are threaded only on one or both ends and the threading covers 25 percent or less of the total length; and (b) threaded rod, bar, or studs made to American Society for Testing and Materials ("ASTM") A193 Grade B7, ASTM A193 Grade B7M, ASTM A193 Grade B16, and ASTM A320 Grade L7."

States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b).[2] The investigations were requested in a petition filed on June 27, 2013, by All America Threaded Products Inc., Denver, Colorado; Bay Standard Manufacturing Inc., Brentwood, California; and Vulcan Threaded Products Inc., Pelham, Alabama.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

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 the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on March 7, 2014, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on March 20, 2014, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before March 14, 2014. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on March 18, 2014, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is March 14, 2014. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is March 27, 2014. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before March 27, 2014. On April 10, 2014, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before April 14, 2014, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. Finally, on May 2, 2014, parties may submit supplemental final comments addressing only Commerce's final antidumping and countervailing duty determinations regarding imports from India. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing*, available on the Commission's Web site at *http://edis.usitc.gov*, elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's 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 207.21 of the Commission's rules.

Issued: January 13, 2014.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–00800 Filed 1–16–14; 8:45 am]

BILLING CODE 7020–02–P

[2] In addition to making its preliminary affirmative countervailing duty determination on certain steel threaded rod from India, the Department of Commerce simultaneously announced the alignment of the final countervailing duty determination with the final determination in the companion antidumping duty investigation (India). Thus, the Department of Commerce's final countervailing duty will be issued on the same date as the final antidumping determination, which is currently scheduled to be issued on April 28, 2014. 78 FR 76815.

INTERNATIONAL TRADE COMMISSION

Notice Regarding Post Employment Restrictions for Former Employees Seeking To Appear in Sequential Five-Year Reviews Stemming From the Same Underlying Original Title VII Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of a clarification in agency practice regarding appearances by former Commission employees in multiple five-year reviews stemming from the same underlying Title VII investigation. Former employees of the U.S. International Trade Commission ("Commission") may now represent a

party in a five-year review conducted under title VII of the Tariff Act of 1930 even if they participated personally and substantially in an earlier five-year review of the same corresponding underlying original title VII investigation while a Commission employee. The five-year review is not the same particular matter as the underlying original investigation and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for the purpose of applying post employment restrictions. In addition, former employees seeking to appear in a later five-year review will no longer be required to seek approval to appear before the Commission, pursuant to Commission rule 201.15(b) (19 CFR 201.15(b)), even if the underlying original investigation or an earlier review had been pending when they were employed by the Commission.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Deputy Agency Ethics Official, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3088. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205–1810. General information concerning the Commission can also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: The Commission's authority to issue this notice is based on 19 U.S.C. 1335 and 5 CFR part 2638.

Under Title VII of the Tariff Act of 1930, as amended (19 U.S.C. 1671 *et. seq.* and 1673 *et. seq.*), U.S. industries may petition the U.S. Department of Commerce ("Commerce") and the Commission for relief from imports that are sold in the United States at less than fair value ("dumped") or that benefit from countervailable subsidies provided through foreign government programs. If Commerce and the Commission make final affirmative determinations that dumped and/or subsidized imports are injuring or threaten to injure a domestic industry in the United States, an antidumping duty or countervailing duty order will be issued. For the purposes of this notice, such investigations are considered to be "underlying original investigations."

In 1994, Congress passed the Uruguay Round Agreements Act, which added the requirement to Title VII of the Tariff Act of 1930 that five years after the date of publication of a countervailing duty order, an antidumping order, or a notice of suspension of an investigation, Commerce and the Commission shall conduct a review to determine, in accordance with 19 U.S.C. 1675(c), whether revocation of the countervailing or antidumping duty order or termination of the investigation suspended under 19 U.S.C. 1671c or 1673c would likely lead to continuation or recurrence of dumping or a countervailable subsidy and material injury. The statute also requires that reviews be conducted every five years unless the determination to revoke the duty order or terminate a suspended investigation has already been made. The statute, 19 U.S.C. 1675a, mandates that certain information and factors be considered by Commerce and the Commission respectively in reaching their review determinations. 19 U.S.C. 1675a(a)(1)(A) requires the Commission to take into account, among other factors, "its prior injury determinations, including the volume, price effect, and impact of imports of the subject merchandise on the industry before the order was issued or the suspension agreement was accepted." In compliance with this provision, the Commission adds to the record of the review the Commission's published opinion and the Commission's staff report from the final phase of each original investigation.

Beginning in 1996, when questions were first raised about the effect of post employment laws and regulations on former employees seeking to represent parties in five-year reviews, the Commission's Designated Agency Ethics Official ("DAEO") advised former employees, after consideration of the relevant post employment and title VII statutes and regulations and consultation with the U.S. Office of Government Ethics ("OGE"), that the five-year review would be considered the "same particular matter" as the underlying original investigation for the application of the post-employment law, 18 U.S.C. 207, and Commission rule 201.15(b) (19 CFR 201.15(b)). This view that a five-year review and its original underlying investigation are the same particular matter was primarily based on the expectation that the records of the review and underlying original investigation would involve the same basic facts and the same confidential information, two of the factors listed in OGE's regulations to be considered when determining if two matters are the same. 5 CFR 2641.201(h)(5). Thus, a former employee who had worked personally and substantially on an underlying original investigation while a Commission employee could not represent a party in the corresponding five-year review after leaving the Commission. In addition, because the underlying investigation and the review were considered to be the same matter under 19 CFR 201.15(b), former employees who worked at the Commission while the underlying investigation was pending, even if they did not work on that investigation, were required to seek Commission approval to appear in such review.

As a result of the Commission's experience in administering the five-year review provisions of the law, and more specifically the experience in the second set of five-year reviews, which commenced in 2004, the Commission's DAEO reassessed the previous advice given to former employees and determined that an underlying original investigation should no longer be considered to be the same particular matter as any five-year review of the corresponding order. This conclusion was reached after consultation with the OGE which, on March 27, 2008, issued an informal advisory letter ("2008 Opinion") concluding that "first, second and subsequent reviews are not the same particular matter involving specific parties as the underlying original investigation leading to the original order." Subsequently, the Commission issued a **Federal Register** notice on May 5, 2008, 73 FR 24609, stating the DAEO's conclusion that five year reviews are no longer considered the same particular matter as the underlying original investigation. The notice also indicated that former Commission employees would no longer need to seek permission to appear in a five-year review from the Commission, pursuant to 19 CFR 201.15, even if the original underlying investigation had been pending during their employment with the Commission.

After the question of whether five-year reviews were the same particular matters as the underlying original investigation was resolved in 2008, former Commission employees have raised the additional question as to whether sequential five-year reviews of the same underlying original investigation are the same particular matters as each other. For example, if a former employee, before leaving the Commission, participated in the first five-year review, would that former employee be able to participate in the second or third five-year review after leaving the Commission in light of the post-employment restrictions in 18 U.S.C. 207.

The original view that a five-year review and its original underlying investigation are the same particular

matter was formed early in the conduct of the five-year reviews. By 2008, however, the Commission had conducted more than 175 reviews. With regard to the factors outlined in OGE's regulations defining "same particular matter," experience had shown that a review differs in important respects from the underlying original investigation. In particular significant changes often have occurred in the markets and industries during the lapse of time between the original investigation and the review.

In five-year reviews, the Commission must take into account the volume, price effect, and impact of the subject imports on the industry before the order was in place. However, the Commission's experience has been that most of the key information for making the required forward-looking determination is the most current information developed on the record as part of the five-year review process.

When making his determination that five-year reviews of the same underlying original investigation are all different particular matters, the DAEO considered issues such as whether expedited and full reviews should be distinguished or whether the five-year reviews should all be considered the same particular matter. The DAEO's conclusion that neither five-year reviews nor the underlying original investigation are the same particular matter was based on a number of factors. First, those factors listed in OGE's regulations defining "same particular matter" support the finding. OGE's regulations provide that "all relevant factors should be considered, including the extent to which the matters involve the same basic facts, the same or related parties, related issues, the same confidential information, and the amount of time elapsed." 5 CFR 2641.201(h)(5). The analysis used by the Commission in reviews relies primarily on the newly developed record to determine not what has happened in the past but rather what is likely to happen if the order under review is revoked. The focus in the reviews is generally not the information from the record of the original investigation or previous reviews, but rather new information developed for the record of the current five-year review. Five years elapse between each review, during which economic and marketplace developments can change the basic facts and confidential information considered by the Commission. In the five years between reviews, the identity of the relevant parties, such as domestic and foreign manufacturers and purchasers, could also change. The DAEO also considered the fact that each review of an underlying original investigation is treated as a different case upon judicial review.

In accordance with the DAEO's interpretation of both the statute and the Commission's experience in five-year reviews, appearances of former employees in Commission five-year reviews will be treated under 18 U.S.C. 207 as appearances that are not in the same particular matter as either the underlying investigation or any other five-year review stemming from the same underlying original investigation. In addition, the Commission has traditionally applied 19 U.S.C. 201.15(b) consistently with the application of 18 U.S.C. 207, and therefore, for that provision, will not consider a review to be the same matter as the underlying original investigation or any other review based on that underlying investigation. Consequently, former employees no longer need to seek approval from the Commission to appear in a review even if the underlying original investigation or an earlier review of the underlying investigation had been pending while they were employees.

Issued: January 13, 2014.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–00801 Filed 1–16–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0002]

Agency Information Collection Activities: Proposed Collection; Comments Requested: Supplemental Statement (Foreign Agents)

ACTION: 30-Day Notice.

The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 218, page 67396 on November 12, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Supplemental Statement (Foreign Agents)

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: NSD–2. National Security Division, U.S. Department of Justice. Pursuant to Section 212 of Public Law 110–81, the Honest Leadership and Open Government Act of 2007 (HLOGA), the FARA registration forms recently submitted to OMB for 3 year renewal approvals, contain fillable-fileable, and E-signature capabilities, and the FARA e-File system in operation since March 1, 2011, permits registrants to file their registration forms electronically to the FARA Registration Unit, 24 hours a day,

seven days a week. FARA e-File is accessed via the FARA public Web site located at *http://www.fara.gov/* and provides instruction to assist registrants in completing, signing and submitting the required FARA registration forms, as well as instruction on how to electronically pay the required registration filing fees via online credit or debit card payments.

(4) *Affected public who are asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, not-for-profit institutions, and individuals or households. The form is required by the provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, *et seq.,* must be filed by the foreign agent within thirty days after the expiration of each period of six months succeeding the original filing date, and must contain accurate and complete information with respect to the foreign agent's activities, receipts and expenditures.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average response:* The estimated total number of respondents is 491, who will complete a response within 1.375 hours (1 hour and 22 minutes) 675 hours semi-annually.

(6) *An estimate of the total burden (in hours) associated with the collection:* The estimated total public burden associated with this information collection is 1,350 hours annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: January 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00858 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0001]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Registration Statement (Foreign Agents)

ACTION: 30-Day notice.

The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** at 78 FR 67395, on November 12, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Registration Statement (Foreign Agents).

(3) *The agency form number and the applicable component of the Department of Justice sponsoring the collection:* Form Number: NSD–1. National Security Division, U.S. Department of Justice. Pursuant to Section 212 of Public Law 110–81, the Honest Leadership and Open Government Act of 2007 (HLOGA), the FARA registration forms recently submitted to OMB for 3 year renewal approvals, contain fillable-fileable, and E-signature capabilities, and the FARA e-File system in operation since March 1, 2011, permits registrants to file their registration forms electronically to the FARA Registration Unit, 24 hours a day, seven days a week. FARA e-File is accessed via the FARA public Web site located at *http://www.fara.gov/* and provides instruction to assist registrants in completing, signing and submitting the required FARA registration forms, as well as instruction on how to electronically pay the required registration filing fees via online credit or debit card payments.

(4) *Affected public who are asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, not-for-profit institutions, and individuals or households. The form contains registration statement and information used for registering foreign agents under the provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average response:* The estimated total number of respondents is 67 respondents at 1.375 hours (1 hour and 22 minutes) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden associated with this information collection is 92 hours annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: January 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00857 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0004]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Exhibit B to Registration Statement (Foreign Agents)

ACTION: 30-Day notice.

The Department of Justice (DOJ), National Security Division (NSD) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 218, pages 67394–67395, on November 12, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Exhibit B to Registration Statement (Foreign Agents).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: NSD–4. National Security Division, U.S. Department of Justice. Pursuant to Section 212 of Public Law 110–81, the Honest Leadership and Open Government Act of 2007 (HLOGA), the FARA registration forms recently submitted to OMB for 3 year renewal approvals, contain fillable-fileable, and E-signature capabilities, and the FARA e-File system in operation since March 1, 2011, permits registrants to file their registration forms electronically to the FARA Registration Unit, 24 hours a day, seven days a week. FARA e-File is accessed via the FARA public Web site located at *http://www.fara.gov/* and provides instruction to assist registrants in completing, signing and submitting the required FARA registration forms, as well as instruction on how to electronically pay the required registration filing fees via online credit or debit card payments.

(4) *Affected public who are asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, Not-for-profit institutions, and individuals or households. The form is used to augment the registration statement of foreign agents as required by the provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, *et seq.*, must set forth the agreement or understanding between the registrant and each of his foreign principals as well as the nature and method of performance of such agreement or understanding and the existing or proposed activities engaged in or to be engaged in, including political activities, by the registrant for the foreign principal, and must be filed within 10 days of the date a contract is made or when initial activity occurs, whichever is first.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average response:* The total estimated number of responses is 164 at approximately .33 hours (20 minutes) per response.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 54 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: January 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00860 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0006]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Exhibit A to Registration Statement (Foreign Agents)

ACTION: 30-Day notice.

The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 218, page 67398, on November 12, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your

comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Exhibit A to Registration Statement (Foreign Agents).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: NSD–3. National Security Division, U. S. Department of Justice. Pursuant to Section 212 of P.L. 110–81, the Honest Leadership and Open Government Act of 2007 (HLOGA), the FARA registration forms recently submitted to OMB for 3 year renewal approvals, contain fillable-fileable, and E-signature capabilities, and the FARA e-File system in operation since March 1, 2011, permits registrants to file their registration forms electronically to the FARA Registration Unit, 24 hours a day, seven days a week. FARA e-File is accessed via the FARA public Web site located at *http://www.fara.gov/* and provides instruction to assist registrants in completing, signing and submitting the required FARA registration forms, as well as instruction on how to electronically pay the required registration filing fees via online credit or debit card payments.

(4) *Affected public who are asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, Not-for-profit institutions, and individuals or households. The form is used to register foreign agents as required under the provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611, et seq., must set forth the information required to be disclosed concerning each foreign principal, and must be utilized within 10 days of date contract is made or when initial activity occurs, whichever is first.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average response:* The estimated total number of respondents is 164 who will complete a response within .49 hours (29 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden associated with this information collection is 80 hours annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Two Constitution Square, 145 N Street NE., Room 3W–1407B Washington, DC 20530.

Dated: January 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00862 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0005]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Short-Form Registration Statement (Foreign Agents)

ACTION: 30-Day notice.

The Department of Justice (DOJ), National Security Division (NSD) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** at 78 FR 67397 on November 12, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Short-Form Registration Statement (Foreign Agents).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: NSD–6. National Security Division, U.S. Department of Justice. Pursuant to Section 212 of Public Law 110–81, the Honest Leadership and Open Government Act of 2007 (HLOGA), the FARA registration forms recently submitted to OMB for 3 year renewal approvals, contain fillable-fileable, and E-signature capabilities, and the FARA e-File system in operation since March 1, 2011, permits registrants to file their registration forms electronically to the FARA Registration Unit, 24 hours a day, seven days a week. FARA e-File is accessed via the FARA public Web site located at *http://www.fara.gov/* and provides instruction to assist registrants in completing, signing and submitting the required FARA registration forms, as

well as instruction on how to electronically pay the required registration filing fees via online credit or debit card payments.

(4) *Affected public who are asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, Not-for-profit institutions, and individuals or households. Abstract: The form is used to register foreign agents as required under the provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, *et seq.* Rule 202 of the Act requires that a partner, officer, director, associate, employee and agent of a registrant who engages directly in activity in furtherance of the interests of the foreign principal, in other than a clerical, secretarial, or in a related or similar capacity, file a short-form registration statement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average response:* The estimated total number of respondents is 523 who will complete a response within .429 hours (25 minutes).

(6) *An estimate of the total burden (in hours) associated with the collection:* The estimated total public burden associated with this information collection is 224 hours annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: January 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00861 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0003]

Agency Information Collection Activities: Proposed Collection; Comments Requested: Amendment to Registration Statement (Foreign Agents)

ACTION: 30-Day notice.

The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 218, pages 67396–67397 on November 12, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Amendment to Registration Statement (Foreign Agents).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: NSD–5. National Security Division, U.S. Department of Justice. Pursuant to Section 212 of Public Law 110–81, the Honest Leadership and Open Government Act of 2007 (HLOGA), the FARA registration forms recently submitted to OMB for 3 year renewal approvals, contain fillable-fileable, and E-signature capabilities, and the FARA e-File system in operation since March 1, 2011, permits registrants to file their registration forms electronically to the FARA Registration Unit, 24 hours a day, seven days a week. FARA e-File is accessed via the FARA public Web site located at *http://www.fara.gov/* and provides instruction to assist registrants in completing, signing and submitting the required FARA forms, as well as instruction on how to electronically pay the required registration filing fees via online credit or debit card payments.

(4) *Affected public who are asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit, not-for-profit institutions, and individuals or households. Abstract: The form is used in registration of foreign agents when changes are required under provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average response:* The estimated total number of respondents is 175 who will complete a response within 1½ hours.

(6) *An estimate of the total burden (in hours) associated with the collection:* The estimated total public burden associated with this information collection is 262 hours annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Two Constitution Square, 145 N Street, NE., Room 3W–1407B, Washington, DC 20530.

Dated: January 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00859 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Network Centric Operations Industry Consortium, Inc.

Notice is hereby given that, on December 9, 2013, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993,

15 U.S.C. 4301 *et seq.* ("the Act"), Network Centric Operations Industry Consortium, Inc. ("NCOIC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Cloud Bound, LLC, Sorento, IL; and Hewlett-Packard, Zentralbuchhaltung, Boeblingen, GERMANY, have been added as parties to this venture.

Also, Cisco Systems, Inc., Herndon, VA; and TUBITAK UEKAE, Gebze, Kocaeli, TURKEY, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCOIC intends to file additional written notifications disclosing all changes in membership.

On November 19, 2004, NCOIC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2005 (70 FR 5486).

The last notification was filed with the Department on June 12, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 18, 2013 (78 FR 42977).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–00792 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Recreational Off-Highway Vehicle Registration Association

Notice is hereby given that, on December 5, 2013, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Recreational Off-Highway Vehicle Association ("ROHVA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, since the last notification was filed, ROHVA has initiated maintenance to and revision of a voluntary standard (ANSI/ROHVA 1–2011) addressing the design, configuration, and performance aspects of Recreational Off-Highway Vehicles (ROVs).

Also, ROHVA is including its members, Artic Cat Inc., Thief River Falls, MN; BRP, Inc., Valcourt, Quebec, CANADA; American Honda Motor Corp., Torrance, CA; Deere & Company, Moline, IL; Kawasaki Motors Corp., Irvine, CA; Polaris Industries, Inc., Medina, MN; Textron Inc., Providence, RI; Yamaha Motor Corporation, Cypress, CA, in this notice.

On July 23, 2008, ROHVA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 29, 2008 (73 FR 43952).

The last notification was filed with the Department on May 4, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 1, 2010 (75 FR 30440).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–00799 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0005]

Agency Information Collection Activities: Proposed Collection, Comments Requested: Revision of a Currently Approved Collection Age, Sex, and Race of Persons Arrested 18 Years of Age and Over; Age, Sex, and Race of Persons Arrested Under 18 Years of Age

ACTION: 30-Day notice of information collection under review.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS) will be submitting the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 76, Number 248, page 80966, on December 27, 2011, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Gregory E. Scarbro, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* Revision of current collection.

(2) *The title of the form/collection:* Age, Sex, and Race of Persons Arrested 18 Years of Age and Over; Age, Sex, and Race of Persons Arrested Under 18 Years of Age.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms 1–708 and 1–708a; Sponsor: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal, and tribal law enforcement agencies. Brief Abstract: This collection gathers data obtained from law law enforcement in which an arrest has occurred.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 18,108 law enforcement agency respondents at 12 minutes for 1–708a and 15 minutes for 1–708.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 97,783 hours annual burden associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE., Room 2E–508, Washington, DC 20530.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2014–00856 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0114]

Agency Information Collection Activities: Proposed Collection; Comments Requested: Extension of a Currently Approved Collection; Victims of Crime Act, Victim Compensation Grant Program, State Performance Report

ACTION: 60-Day notice.

The Department of Justice (DOJ), Office for Victims of Crime (OVC), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until March 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Toni Thomas, OVC, 810 7th Street NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The title of the Form/Collection:* Victims of Crime Act, Victim Compensation Grant Program, State Performance Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1121–0114. Office for Victims of Crime, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State Government. The form is used by State Government to submit Annual Performance Report data about claims for victim compensation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 53 respondents will complete the form within 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 106 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: January 13, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–00818 Filed 1–16–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; Office of Trade and Labor Affairs; National Advisory Committee for Labor Provisions of U.S. Free Trade Agreements; Notice of Open Meeting

AGENCY: Bureau of International Labor Affairs, U.S. Department of Labor.

ACTION: Notice of Open Meeting, February 5, 2014.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2, the Office of Trade and Labor Affairs (OTLA) gives notice of a meeting of the National Advisory Committee for Labor Provisions of U.S. Free Trade Agreements ("Committee" or "NAC"), which was established by the Secretary of Labor.

The purpose of the meeting is to discuss the implementation of the labor provisions of free trade agreements and to identify the Committee's priority countries and issues for 2014.

DATES: The Committee will meet on Wednesday, February 5, 2014, from 10:00 a.m. to 4:00 p.m.

ADDRESSES: The Committee will meet at the U.S. Department of Labor, 200 Constitution Avenue NW., Deputy Undersecretary's Conference Room, Washington, DC 20210. Mail comments, views, or statements in response to this notice to Paula Church Albertson, Office of Trade and Labor Affairs, ILAB, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5004, Washington, DC 20210; fax (202) 693–4784 (not a toll free number).

FOR FURTHER INFORMATION CONTACT: Paula Church Albertson, Designated Federal Official, Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5004, Washington, DC 20210; phone (202) 693–4789 (not a toll free number).

Individuals with disabilities wishing to attend the meeting should contact

Ms. Albertson no later than January 29, 2014, to obtain appropriate accommodations.

SUPPLEMENTARY INFORMATION: NAC meetings are open to the public on a first-come, first-served basis, as seating is limited. Attendees must present valid identification and will be subject to security screening to access the Department of Labor for the meeting.

Agenda: Agenda items will include an update and discussion on the implementation of the labor provisions of free trade agreements and a discussion of the Committee's views of priority countries and issues for 2014.

Public Participation: Written data, views, or comments for consideration by the NAC on the agenda listed above should be submitted to Paula Church Albertson at the address listed above. Submissions received by January 29, 2014, will be provided to Committee members and will be included in the record of the meeting. The Committee may take comments or questions from members of the public which were not submitted in writing by January 29 if time permits.

Signed at Washington, DC, the 9th day of January 2014.

Carol Pier,

Acting Deputy Undersecretary, International Affairs.

[FR Doc. 2014–00761 Filed 1–14–14; 8:45 am]

BILLING CODE 4510–28–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

NOTICE: (14–001).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Fran Teel, Mail Code JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Fran Teel, NASA PRA Officer, NASA Headquarters, 300 E Street SW., Mail Code JF000, Washington, DC 20546, (202) 358–2225 or *Frances.C.Teel@NASA.gov*

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA intends to continue an information collection associated with the Women in STEM Aerospace Scholars (WISH) and NASA High School Aerospace Scholars (NHAS) projects. These projects are aligned with NASA's Strategic Goal 6, which is to share NASA with the public, educators, and students to provide opportunities to participate in our mission, foster innovation and contribute to a strong National economy. The Women in STEM High School Aerospace Scholars (WISH) project was piloted in FY2011 and expanded to include NASA High School Aerospace Scholars (NHAS) in FY2012. The NHAS/WISH will continue to provide opportunities for high school juniors to participate in STEM education engagement activities that use NASA unique assets and content. NHAS/WISH provides an interactive, online learning experience for high school juniors across the United States. Students apply voluntarily to be considered for this opportunity. This information collection consists of an online application form for completion by high school student applicants. The application process is intended to identify interested, qualified applicants for participation in a multiple-month, on-line curriculum delivery and, for those who successfully complete the on-line curriculum, in a one-week experience at a specific NASA site.

II. Method of Collection

Electronic.

III. Data

Title: NASA High School Aerospace Scholars (NHAS)/Women in STEM Aerospace Scholars (WISH).

OMB Number: 2700–0149.

Type of review: Regular clearance.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,600.

Estimated Annual Responses: 1,600.

Estimated Time per Response: 240 minutes.

Estimated Total Annual Burden Hours: 6400.

Estimated Total Annual Cost: $46,400.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Fran Teel,

NASA PRA Clearance Officer.

[FR Doc. 2014–00868 Filed 1–16–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 14–002]

NASA Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

Federal Register *Citation of Previous Announcement:* 78 FR 77501, Monday, December 23, 2013.

SUMMARY: This is an amended version of NASA's earlier **Federal Register** Notice (13–153) previously published on December 23, 2013 (78 FR 77501). A USA toll free conference call number has been added to **SUPPLEMENTARY INFORMATION.** In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Thursday, January 23, 2014, 1 p.m. to 2 p.m., local time.

ADDRESSES: NASA Johnson Space Center, Room 966, NASA Parkway, Building 1, Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Aerospace Safety Advisory Panel Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–4452, or email at *mnorris@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its First Quarterly Meeting for 2014. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on

those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

- Updates on the Exploration Systems Development
- Updates on the Commercial Crew Program
- Updates on the International Space Station Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. This meeting is also available telephonically. Any interested person may call the USA toll free conference call number (800) 857–7040; pass code 7214777. Attendees will be required to sign a visitor's register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Any member of the public desiring to attend the ASAP 2014 First Quarterly Meeting at the Johnson Space Center must provide their full name and company affiliation (if applicable) to Ms. Marian Norris at *mnorris@nasa.gov* by January 15, 2014. Foreign Nationals attending the meeting will be required to provide the following information by January 7, 2014: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); and title/position of attendee. Additional information may be requested. Permanent Residents should provide this information: Green card number and expiration date. Persons with disabilities who require assistance should indicate this. Photographs will only be permitted during the first 10 minutes of the meeting.

At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5-minutes in length. To do so, members of the public must contact Ms. Marian Norris at *mnorris@nasa.gov* or at (202) 358–4452 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2014–00823 Filed 1–16–14; 8:45 am]

BILLING CODE 7510–13–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–30855; File No. 812–14199]

Prospect Capital Corporation, et al.; Notice of Application

January 13, 2014.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY: *Summary of Application:* Applicants request an order to permit a business development company ("BDC") and certain closed-end management investment companies to co-invest in portfolio companies with each other and with affiliated investment funds.

APPLICANTS: Prospect Capital Corporation ("PSEC"), Priority Senior Secured Income Fund, Inc. ("PRIS"), Pathway Energy Infrastructure Fund, Inc. ("PWAY"), Prospect Capital Funding LLC ("PSEC SPV Sub"), Prospect Capital Management LLC ("PCM") on behalf of itself and its successors,[1] Priority Senior Secured Income Management, LLC ("PRISM") on behalf of itself and its successors, and Pathway Energy Infrastructure Management, LLC ("PEIM") on behalf of itself and its successors.

DATES: *Filing Dates:* The application was filed on August 9, 2013, and amended on December 4, 2013.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 7, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F St. NE., Washington, DC 20549–1090. Applicants: 10 East 40th St., 44th Floor, New York, NY 10016.

FOR FURTHER INFORMATION CONTACT: David J. Marcinkus, Senior Counsel, at (202) 551–6882 or David P. Bartels, Branch Chief, at (202) 551–6821 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. PSEC is a Maryland corporation organized as a closed-end management investment company that has elected to be regulated as a BDC under Section 54(a) of the Act.[2] PSEC's Objectives and Strategies[3] are to generate both current income and long-term capital appreciation through debt and equity investments. PSEC invests primarily in first and second lien senior loans and mezzanine debt, which in some cases are accompanied by an equity component, and also acquires equity control of companies. A majority of the directors of each of the Regulated Funds is or will be persons who are not "interested persons" as defined in section 2(a)(19) of the Act ("Non-Interested Directors"). The board of directors ("Board") of PSEC is comprised of five directors, three of

[1] The term "successor," as applied to each Adviser, means an entity that results from a reorganization into another jurisdiction or change in the type of business organization.

[2] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[3] "Objectives and Strategies" means a Regulated Fund's investment objectives and strategies, as described in the Regulated Fund's registration statement on Form N–2, other filings the Regulated Fund has made with the Commission under the Securities Act of 1933 (the "Securities Act"), or under the Securities Exchange Act of 1934, and the Regulated Fund's reports to shareholders.

whom are Non-Interested Directors of PSEC.

2. PRIS and PWAY are Maryland corporations organized as closed-end investment companies registered under the Act. PRIS's Objectives and Strategies are to generate current income and, as a secondary objective, long-term capital appreciation. Applicants state that PRIS expects to seek to achieve its Objectives and Strategies by investing, under normal circumstances, at least 80% of its total assets, or net assets plus borrowings, in senior secured loans made to companies whose debt is rated below investment grade or, in limited circumstances, unrated, with an emphasis on current income. PWAY's Objectives and Strategies are to generate current income and, as a secondary objective, long-term capital appreciation through debt and equity investments. Applicants state that PWAY expects to achieve its Objectives and Strategies by investing, under normal circumstances, at least 80% of its total assets, or net assets plus borrowings, in securities of companies that operate primarily in the energy and related infrastructure and industrial sectors. The Board of PRIS consists of five directors, three of whom are Non-Interested Directors of PRIS. The Board of PWAY consists of five directors, three of whom are Non-Interested Directors of PWAY.

3. PCM and PRISM are Delaware limited liability companies registered as investment advisers under the Investment Advisers Act of 1940 (the "Advisers Act") and serve as investment adviser to PSEC and PRIS, respectively. PEIM is a Delaware limited liability company that will be registered with the Commission as an investment adviser under Advisers Act and serve as investment adviser to PWAY.

4. Applicants seek an order ("Order") to permit one or more Regulated Funds[4] and/or one or more Future Affiliated Funds[5] to participate in the same investment opportunities through a proposed co-investment program (the "Co-Investment Program") where such participation would otherwise be prohibited under section 57(a)(4) and rule 17d–1 by (a) co-investing with each other in securities issued by issuers in private placement transactions in which an Adviser negotiates terms in addition to price;[6] and (b) making additional investments in securities of such issuers, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuers ("Follow-On Investments"). "Co-Investment Transaction" means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub, as defined below) participated together with one or more other Regulated Funds and/or one or more Future Affiliated Funds in reliance on the requested Order. "Potential Co-Investment Transaction" means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub, as defined below) could not participate together with one or more Future Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.[7]

5. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.[8] Such a subsidiary would be prohibited from investing in a Co-Investment Transaction with any Future Affiliated Fund or Regulated Fund because it would be a company controlled by its parent Regulated Fund for purposes of Section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of its parent Regulated Fund and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the requested order, as though the parent Regulated Fund were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Sub would have no purpose other than serving as a holding vehicle for the Regulated Fund's investments and, therefore, no conflicts of interest could arise between the Regulated Fund and the Wholly-Owned Investment Sub. The Regulated Fund's Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Sub's participation in a Co-Investment Transaction, and the Regulated Fund's Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Sub in the Regulated Fund's place. If the Regulated Fund proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subs, the Board will also be informed of, and take into consideration, the relative participation of the Regulated Fund and the Wholly-Owned Investment Sub. PSEC SPV Sub is a Delaware limited liability company and is a Wholly-Owned Investment Sub of PSEC. PSEC SPV Sub is exempt from registration under Section 3(c)(7) of the Act.

6. When considering Potential Co-Investment Transactions for any Regulated Fund, the applicable Adviser will consider only the Objectives and Strategies, investment policies, investment positions, capital available for investment, and other pertinent factors applicable to that Regulated Fund. The Regulated Fund Advisers expect that any portfolio company that is an appropriate investment for a Regulated Fund should also be an appropriate investment for one or more other Regulated Funds and/or one or more Future Affiliated Funds, with certain exceptions based on available capital or diversification.[9]

7. Other than pro rata dispositions and Follow-On Investments as provided in conditions 7 and 8, and after making the determinations required in conditions 1 and 2(a), the Adviser will present each Potential Co-Investment Transaction and the proposed allocation to the directors of the Board eligible to vote under section 57(o) of the Act ("Eligible Directors"), and the "required majority," as defined in section 57(o) of the Act ("Required Majority")[10] will approve each Co-Investment

[4] "Regulated Fund" means any of PSEC, PRIS, PWAY, and any Future Regulated Fund. "Future Regulated Fund" means any closed-end management investment company (a) that is registered under the Act or has elected to be regulated as BDC, (b) whose investment adviser is an Adviser, and (c) that intends to participate in the Co-Investment Program. The term "Adviser" means (a) PCM, PEIM, and PRISM and (b) any future investment adviser that controls, is controlled by, or is under common control with PCM and is registered as an investment adviser under the Advisers Act.

[5] "Future Affiliated Fund" means any entity (a) whose investment adviser is an Adviser, (b) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, and (c) that intends to participate in the Co-Investment Program.

[6] The term "private placement transactions" means transactions in which the offer and sale of securities by the issuer are exempt from registration under the Securities Act.

[7] All existing entities that currently intend to rely upon the requested Order have been named as applicants. Any other existing or future entity that subsequently relies on the Order will comply with the terms and conditions of the application.

[8] The term "Wholly-Owned Investment Sub" means an entity (i) that is wholly-owned by a Regulated Fund (with the Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of the Regulated Fund; (iii) with respect to which the Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the conditions of the application; and (iv) that would be an investment company but for Section 3(c)(1) or 3(c)(7) of the Act.

[9] The Regulated Funds, however, will not be obligated to invest, or co-invest, when investment opportunities are referred to them.

[10] In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to Section 57(o).

Transaction prior to any investment by the participating Regulated Fund.

8. With respect to the pro rata dispositions and Follow-On Investments provided in conditions 7 and 8, a Regulated Fund may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Regulated Fund and Future Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Board of the Regulated Fund has approved that Regulated Fund's participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Regulated Fund. If the Board does not so approve, any such disposition or Follow-On Investment will be submitted to the Regulated Fund's Eligible Directors. The Board of any Regulated Fund may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors.

9. No Non-Interested Director of a Regulated Fund will have a financial interest in any Co-Investment Transaction, other than through share ownership in one of the Regulated Funds.

Applicants' Legal Analysis

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by a BDC in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC is subject to section 57(a)(4). Applicants submit that each of the Regulated Funds and Future Affiliated Funds could be deemed to be a person related to each Regulated Fund in a manner described by section 57(b) by virtue of being under common control. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Section 17(d) of the Act and rule 17d–1 under the Act prohibit affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Applicants state that in the absence of the requested relief, the Regulated Funds would be, in some circumstances, limited in their ability to participate in attractive and appropriate investment opportunities. Applicants believe that the proposed terms and conditions will ensure that the Co-Investment Transactions are consistent with the protection of each Regulated Fund's shareholders and with the purposes intended by the policies and provisions of the Act. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions will be consistent with the provisions, policies, and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants.

Applicants' Conditions

Applicants agree that the Order will be subject to the following conditions:

1. Each time an Adviser considers a Potential Co-Investment Transaction for a Future Affiliated Fund or another Regulated Fund that falls within a Regulated Fund's then-current Objectives and Strategies, the Regulated Fund's Adviser will make an independent determination of the appropriateness of the investment for such Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. (a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Funds and Future Affiliated Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on each participant's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each. The applicable Adviser will provide the Eligible Directors of each participating Regulated Fund with information concerning each participating party's available capital to assist the Eligible Directors with their review of the Regulated Fund's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a), the applicable Adviser will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and Future Affiliated Fund) to the Eligible Directors of each participating Regulated Fund for their consideration. A Regulated Fund will co-invest with one or more other Regulated Funds and/or one or more Future Affiliated Funds only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) The interests of the shareholders of the Regulated Fund; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Funds or Future Affiliated Funds would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from or less advantageous than that of other Regulated Funds or Future Affiliated Funds; provided that, if any other Regulated Fund or Future Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition (2)(c)(iii), if:

(A) The Eligible Directors will have the right to ratify the selection of such director or board observer, if any;

(B) the applicable Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Future Affiliated Fund or any Regulated Fund or any affiliated person of any Future Affiliated Fund or any Regulated Fund receives in connection with the right of an Future Affiliated Fund or a Regulated Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Future Affiliated Funds (who each may, in turn, share its portion with its affiliated persons) and the participating Regulated Funds in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Fund will not benefit the Advisers, the Future Affiliated Funds or the other Regulated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted by Section 17(e) or 57(k) of the Act, as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The applicable Adviser will present to the Board of each Regulated Fund, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or Future Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies that were not made available to the Regulated Fund, and an explanation of why the investment opportunities were not offered to the Regulated Fund. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8, a Regulated Fund will not invest in reliance on the Order in any issuer in which another Regulated Fund, Future Affiliated Fund, or any affiliated person of another Regulated Fund or Future Affiliated Fund is an existing investor.

6. A Regulated Fund will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Fund and Future Affiliated Fund. The grant to a Future Affiliated Fund or another Regulated Fund, but not the Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Future Affiliated Fund or any Regulated Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by each Regulated Fund in the disposition.

(b) Each Regulated Fund will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the participating Future Affiliated Funds and Regulated Funds.

(c) A Regulated Fund may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Future Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the Regulated Fund is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(d) Each Future Affiliated Fund and each Regulated Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Future Affiliated Fund or any Regulated Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by each Regulated Fund.

(b) A Regulated Fund may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Future Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application). In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(c) If, with respect to any Follow-On Investment:

(i) The amount of the opportunity is not based on the Regulated Funds' and the Future Affiliated Funds' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Adviser to be invested by each Regulated Fund in the Follow-On Investment, together with the amount proposed to be invested by the participating Future Affiliated Funds in the same transaction, exceeds the amount of the opportunity; then the amount invested by each such party will be allocated among them pro rata based on each participant's capital available for investment in the asset class being

allocated, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in this application.

9. The Non-Interested Directors of each Regulated Fund will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or Future Affiliated Funds that the Regulated Fund considered but declined to participate in, so that the Non-Interested Directors may determine whether all investments made during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the conditions of the Order. In addition, the Non-Interested Directors will consider at least annually the continued appropriateness for the Regulated Fund of participating in new and existing Co-Investment Transactions.

10. Each Regulated Fund will maintain the records required by Section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under Section 57(f) of the Act.

11. No Non-Interested Director of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise an "affiliated person" (as defined in the Act) of a Future Affiliated Fund.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the Advisers under their respective investment advisory agreements with Future Affiliated Funds and the Regulated Funds, be shared by the Regulated Funds and the Future Affiliated Funds in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

13. Any transaction fee (including break-up or commitment fees but excluding broker's fees contemplated Section 17(e) or 57(k) of the Act, as applicable), received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Funds and Future Affiliated Funds on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by such Adviser at a bank or banks having the qualifications prescribed in Section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Funds and Future Affiliated Funds based on the amounts they invest in such Co-Investment Transaction. None of the Future Affiliated Funds, the Advisers, the other Regulated Funds or any affiliated person of the Regulated Funds or Future Affiliated Funds will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Funds and the Future Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C); and (b) in the case of an Adviser, investment advisory fees paid in accordance with the agreement between the Adviser and the Regulated Fund or Future Affiliated Fund.

For the Commission, by the Division of Investment Management, under delegated authority.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2014–00822 Filed 1–16–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–9510; 34–71289, File No. 265–28]

Notice of Meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee.

SUMMARY: The Securities and Exchange Commission Investor Advisory Committee, established pursuant to Section 911 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, is providing notice that it will hold a public meeting on Friday, January 31, 2014, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549. The meeting will begin at 10:00 a.m. (EDT) and end at 4:30 p.m. and will be open to the public, except during portions of the meeting reserved for meetings of the Committee's subcommittees. The meeting will be webcast on the Commission's Web site at *www.sec.gov*. Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The agenda for the meeting includes: Remarks from Commissioners; a recommendation from the Market Structure Subcommittee and the Investor as Purchaser Subcommittee regarding decimalization; discussion of crowdfunding; discussion of rebates and payments for order flow; and nonpublic subcommittee meetings.

DATES: Written statements should be received on or before January 31, 2014.

ADDRESSES: Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rules-comments@sec.gov*. Please include File No. 265–28 on the subject line; or

Paper Statements

- Send paper statements in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–28. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method.

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: M. Owen Donley III, Chief Counsel, at (202) 551–6322, Office of Investor Education and Advocacy, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

Dated: January 13, 2014.
Elizabeth M. Murphy,
Secretary.
[FR Doc. 2014–00795 Filed 1–16–14; 8:45 am]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, January 22, 2014 at 10 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

The Commission will consider whether to approve the 2014 budget of the Public Company Accounting Oversight Board and will consider the related annual accounting support fee for the Board under Section 109 of the Sarbanes-Oxley Act of 2002.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551–5400.

Dated: January 15, 2014.
Elizabeth M. Murphy,
Secretary.
[FR Doc. 2014–01034 Filed 1–15–14; 4:15 pm]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71218; File No. SR–CME–2013–24]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Order Approving Proposed Rule Change Regarding the Designation of a Primary Backup Data Center

December 31, 2013.

I. Introduction

On November 15, 2013, Chicago Mercantile Exchange Inc. ("CME") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (SR–CME–2013–24) 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 November 27, 2013.[3] The Commission received no comment letters regarding the proposal. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

CME is proposing to activate its New York Data Center ("1NE Data Center") as its primary backup data center. The 1NE Data Center currently operates in part as a tertiary data center for CME. CME has proposed that the 1NE Data Center will be redesigned and will become the primary backup data center in place of CME's current backup data center, the Remote Data Center ("RDC"). In addition to housing CME's New York trading floor and office staff systems, the 1NE Data Center will house CME's primary back-up for electronic trading, clearing, and regulatory infrastructures. CME has stated that because the 1NE Data Center will be located in a distinct geographic area from CME's primary facility, the proposal to relocate the primary backup data facility will mitigate risks associated with a large scale disruption associated with only one geographical area (for example, a weather event). Because the 1NE Data Center will feature single IP connectivity, CME's customers will not have to change their configurations or take any additional steps to connect to the 1NE Data Center and the risk of disruptions in connectivity will be decreased.

CME has stated that the proposal will help to ensure that CME has sufficient physical, technological and personnel resources to enable the timely recovery and resumption of operations following disruptions, resulting in an increase in reliability and security of its backup data facilities. The proposed change does not involve any changes to CME's rulebook.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[4] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act[5] and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[6] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency and for which it is responsible and, in general, to protect investors and the public interest. The Commission finds that the proposed rule change is designed to enhance CME's business continuity program and data reliability and security and thereby (1) promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions; (2) help to assure the safeguarding of securities and funds which are in the custody or control of CME; and (3) help to protect investors and the public interest, consistent with the requirements of Section 17A(b)(3)(F) of the Act.[7]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[8] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR–CME–2013–24) be, and hereby is, approved.[10]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Elizabeth M. Murphy,
Secretary.
[FR Doc. 2014–00834 Filed 1–16–14; 8:45 am]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Power Air Corporation, Wescorp Energy, Inc., and World Ventures, Inc.; Order of Suspension of Trading

January 15, 2014.

It appears to the Securities and Exchange Commission that there is a

[1] 15 U.S.C. 78s(b)(1).
[2] 17 CFR 240.19b–4.
[3] Securities Exchange Act Release No. 34–70917 (November 21, 2013), 78 FR 71015 (November 27, 2013).
[4] 15 U.S.C. 78s(b)(2)(C).
[5] 15 U.S.C. 78s(b)(1).
[6] 15 U.S.C. 78q–1(b)(3)(F).
[7] 15 U.S.C. 78q–1(b)(3)(F).
[8] 15 U.S.C. 78q–1.
[9] 15 U.S.C. 78s(b)(2).
[10] 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).
[11] 17 CFR 200.30–3(a)(12).

lack of current and accurate information concerning the securities of Power Air Corporation because it has not filed any periodic reports since the period ended June 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Wescorp Energy, Inc. because it has not filed any periodic reports since the period ended September 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of World Ventures, Inc. because it has not filed any periodic reports since the period ended October 31, 2009.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on January 15, 2014, through 11:59 p.m. EST on January 29, 2014.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2014–01033 Filed 1–15–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Lumonall, Inc., Smart Comm International Ltd., Tissera, Inc., Ungava Mines, Inc., Unity Wireless Corporation, and Zupintra Corporation, Inc.; Order of Suspension of Trading

January 15, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Lumonall, Inc. because it has not filed any periodic reports since the period ended December 31, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Smart Comm International Ltd. because it has not filed any periodic reports since the period ended December 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Tissera, Inc. because it has not filed any periodic reports since the period ended October 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Ungava Mines, Inc. because it has not filed any periodic reports since the period ended November 30, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Unity Wireless Corporation because it has not filed any periodic reports since the period ended March 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Zupintra Corporation, Inc. because it has not filed any periodic reports since the period ended June 30, 2007.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on January 15, 2014, through 11:59 p.m. EST on January 29, 2014.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2014–01032 Filed 1–15–14; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 8598]

Applications: NuStar Logistics, LP; Presidential Permit

AGENCY: Department of State.

ACTION: Notice of Receipt of an Application by NuStar Logistics, L.P., for Issuance of a Presidential Permit To Connect, Operate and Maintain Existing Pipeline Facilities on the Border of the United States and Mexico.

SUMMARY: Notice is hereby given that the Department of State (Department) has received from NuStar Logistics, L.P. ("NuStar") an application to amend the 2003 Presidential Permit issued to Valero Logistics Operations L.P. to construct, connect, operate, and maintain pipeline facilities (the "Dos Laredos Pipeline") crossing the international border between the United States and Mexico at a location on the Rio Grande river knows as "la Bota", approximately six miles northwest of downtown Laredo, Texas. The application indicates that Valero Logistics Operations, L.P. has changed its name to NuStar Logistics, L.P., and requests that the amended permit reflect the partnership's current name. While the 2003 Presidential Permit only authorized the transportation of liquefied petroleum gas ("LPG"), NuStar seeks an amendment now to authorize the transport of LPG and petroleum products, including diesel.

NuStar Logistics, L.P., a Delaware limited partnership, is a subsidiary of NuStar Energy L.P., a publicly traded, limited partnership based in San Antonio, Texas.

The Dos Laredos Pipeline is an 8 5/8 inch outer diameter pipeline that connects the NuStar terminal in Laredo, Texas, with a terminal in Nuevo Laredo, Tamaulipas, Mexico. The U.S. portion of Dos Laredos Pipeline consists of approximately 10.6 miles of pipeline from the NuStar terminal in Laredo, Texas to a location on the Rio Grande known as "La Bota," approximately 6 miles northwest of Laredo.

The 2003 Presidential Permit permits the transportation of LPG. NuStar now requests authorization to transport LPG and petroleum products, including diesel.

NuStar stated that no significant physical changes to the pipeline would be required to transport petroleum products, and it is not proposing any new construction in the United States (aside from maintaining existing pipeline facilities). The Department of State will determine what kind of environmental documentation, if any, is appropriate for this proposed project.

Under E.O. 13337 the Secretary of State is designated and empowered to receive all applications for Presidential Permits for the construction, connection, operation, or maintenance at the borders of the United States, of facilities for the exportation or importation of liquid petroleum, petroleum products, or other fuels (except natural gas) to or from a foreign country. The Department of State will circulate this application to concerned federal agencies for comment. The Department of State has the responsibility to determine whether issuance of a new or amended Presidential Permit based upon NuStar's application would serve the U.S. national interest. The Department will issue a **Federal Register** notice later inviting public comment on whether issuance of the requested amended Presidential Permit would serve the national interest.

FOR FURTHER INFORMATION CONTACT: Office of Energy Diplomacy, Energy Resources Bureau (ENR/EDP/EWA) Department of State 2201 C St. NW., Ste 4843 Washington, DC 20520 Attn: Michael Brennan Tel: 202–647–7553. The application is available at *http://www.state.gov/e/enr.*

Dated: January 13, 2014.

Michael Brennan,

Energy Officer, Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State.

[FR Doc. 2014–00914 Filed 1–16–14; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0005]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 18, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2015–0005 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kevin Douglas, 202–366–2601, Office of Human Environment, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Surface Transportation Environment and Planning (STEP) Cooperative Research Program.

Background: Section 5207 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA–LU) established a new cooperative research program for environment and planning research in section 507 of Title 23, United States Code, Highways (23 U.S.C. 507). The general objective of the STEP is to improve understanding of the complex relationship between surface transportation, planning, and the environment. The FHWA anticipates that the STEP program will provide resources for national research on issues related to planning, environment and realty. These resources are likely to be included in future surface transportation legislation. The research program established under this section shall ensure that stakeholders are involved in the governance of the program, at the executive, overall program, and technical levels, through the use of expert panels and committees. FHWA will be collecting feedback via a STEP Web site on the 18 emphasis areas. This information will be used to identify potential research for an annual Research Plan.

The number of stakeholders with an interest in environment and planning research includes three groups:

I—Federal Agencies and Tribal Governments
II—State and Local Governments
III—Nongovernmental Transportation and Environmental Stakeholders

Respondents: An estimated 270 participants annually for a total of approximately 810 participants during the three-year period while the OMB clearance is in effect.

Frequency: Annually.

Estimated Average Burden per Response: 30 minutes each year. Due to the specialized nature of the 18 emphasis areas, most commenters will provide input in only one area.

Estimated Total Annual Burden Hours: Approximately 135 hours annually (405 hours total for the three-year period).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: January 13, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–00852 Filed 1–16–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0004]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 18, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2014–0004 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Gloria Williams, 202–366–5032, Department of Transportation, Federal Highway Administration, Office of Highway Policy Information, 1200 New Jersey Avenue SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Certification of Enforcement of the Heavy Vehicle Use Tax.

OMB Control #: 2125–0541.

Background: Title 23 United States Code, Section 141(c), provides that a State's apportionment of funds under 23 U.S.C. 104(b)(4) shall be reduced in an amount up to 25 percent of the amount to be apportioned during any fiscal year beginning after September 30, 1984, if vehicles subject to the Federal heavy vehicle use tax are lawfully registered in the State without having presented proof of payment of the tax. The annual certification by the State Governor or designated official regarding the collection of the heavy vehicle use tax serves as the FHWA's primary means of determining State compliance. The FHWA has determined that an annual certification of compliance by each State is the least obtrusive means of administering the provisions of the legislative mandate. In addition, States are required to retain for 1 year a Schedule 1, IRS Form 2290, Heavy Vehicle Use Tax Return (or other suitable alternative provided by regulation). The FHWA conducts compliance reviews at least once every 3 years to determine if the annual certification is adequate to ensure effective administration of 23 U.S.C. 141(c).

The estimated annual reporting burden is 102 hours; the estimated recordkeeping burden is 510 hours for a total of 612 hours. The 50 States and the District of Columbia share this burden. Preparing and processing the annual certification is estimated to require 2 hours per State. Recordkeeping is estimated to require an average of 10 hours per State.

Respondents: 50 State Transportation Departments, and the District of Columbia for a total of 51 respondents.

Frequency: Annually.

Estimated Average Annual Burden per Response: The average burden to submit the certification and to retain required records is 12 hours per respondent.

Estimated Total Annual Burden Hours: Total estimated average annual burden is 612 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: January 13, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–00847 Filed 1–16–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0002]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 18, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2014–0002 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Petty, (202) 366–6654, Office of Planning, Environment, and Realty, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Planning and Research Program Administration.

OMB Control #: 2125–0039

Background: Under the provisions of Title 23, United States Code, Section 505, 2 percent of Federal-aid highway funds in certain categories that are apportioned to the States are set aside to be used only for State Planning and Research (SPR). At least 25 percent of the SPR funds apportioned annually must be used for research, development, and technology transfer activities. In accordance with government-wide grant management procedures, a grant application must be submitted for these funds. In addition, recipients must submit periodic progress and financial reports. In lieu of Standard Form 424, Application for Federal Assistance, the FHWA uses a work program as the grant application. The information contained in the work program includes task descriptions, assignments of responsibility for conducting the work effort, and estimated costs for the tasks. This information is necessary to determine how FHWA planning and research funds will be utilized by the State Transportation Departments and if the proposed work is eligible for Federal participation. The content and frequency of submission of progress and financial reports specified in 23 CFR Part 420 are specified in OMB Circular A–102 and the companion common grant management regulations.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: Annual.

Estimated Average Annual Burden per Response: 560 hours per respondent.

Estimated Total Annual Burden Hours: 29,120 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: January 13, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–00851 Filed 1–16–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0001]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 18, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2014–0001 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Erin Robertson, (202) 366–4814, Office of the Chief Financial Officer, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Request Forms for Fund Transfers to Other Agencies and Among Title 23 Programs.

OMB Control Number: 2125–0620.

Background: Sections 1108, 1119(b), 1935, and 1936 of Public Law 109–59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) expanded the transferability of funds to other agencies and among programs. This notice establishes requirements for initiating the transferring of apportioned and allocated funds between entities and between projects and programs to carry out these provisions of law. The types of transfers affected by this notice are:

a. Transfer of funds from a State to the FHWA pursuant to U.S.C. Title 23, § 104(k)(3);

b. Transfer of funds from a State to a Federal Agency other than FHWA;

c. Transfer of funds from a State to another State;

d. Transfer of funds from Federal Transit Administration to FHWA;

e. Transfer of funds between programs; and,

f. Transfer of funds between projects.

The party initiating the fund transfer must fill out a FHWA transfer request form. Information required to fill out a transfer form will include the requester's contact information; a description of the program/project the transfer will come from and go to, the fiscal year, the program code, a demo ID or an urban area when applicable, and the amount to be transferred. The form must be approved by the applicable State Department of Transportation and concurred on by the correlating FHWA Division Office.

Respondents: 50 State Transportation Departments, the District of Columbia, and Puerto Rico.

Frequency: As Needed.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden Hours: It is estimated that a total of 600 responses will be received annually, which would equal a total annual burden of 300 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: January 13, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–00845 Filed 1–16–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0003]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION.** We are

required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 18, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2014–0003 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Aquilla Carter, (202) 493–2906, Office of the Chief Financial Officer, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: *Title:* Voucher for Federal-aid Reimbursements.

OMB Control Number: 2125–0507.

Background: The Federal-aid Highway Program provides for the reimbursement to States for expenditure of State funds for eligible Federal-aid highway projects. The Voucher for Work Performed under Provisions of the Federal Aid and Federal Highway Acts as amended is utilized by the States to provide project financial data regarding the expenditure of State funds and to request progress payments from the FHWA. Title 23 U.S.C. 121(b) requires the submission of vouchers. The specific information required on the voucher is contained in 23 U.S.C. 121 and 117. Two types of submissions are required by recipients. One is a progress voucher where the recipient enters the amounts claimed for each FHWA appropriation, and the other is a final voucher where project costs are classified by work type. An electronic version of the Voucher for Work Performed under Provisions of the Federal Aid Highway Acts, as amended, Form PR–20, is used by all recipients to request progress and final payments.

Respondents: 50 State Transportation Departments, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

Frequency: Annually.

Estimated Average Burden per Response: The respondents electronically submit an estimated total of 12,900 vouchers each year. Each voucher requires an estimated average of 30 minutes to complete.

Estimated Total Annual Burden Hours: 6,450 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: January 13, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–00850 Filed 1–16–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

The Department of the Treasury is planning to submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Comments should be received on or before March 18, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to Robert Dahl, Departmental Clearance Officer, U.S. Department of the Treasury, Suite 8111, 1750 Pennsylvania Ave. NW., Washington, DC 20006. (202) 622–3119.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 622–3119, email at *PRA@treasury.gov,* or the entire information collection request maybe found at *www.reginfo.gov.*

Treasury Departmental Offices

OMB Number: 1505–0231.

Type of Review: Extension without change.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic

mechanisms that are designed to yield quantitative results.

Average Expected Annual Number of activities: 40.

Respondents: 40,000.

Annual responses: 40,000.

Frequency of Response: Once per request.

Average minutes per response: 60.

Burden hours: 40,000.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2014–00835 Filed 1–16–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 13, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before February 18, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8141, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 622–1295, emailing *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0245.

Type of Review: Extension without change of a currently approved collection.

Title: Environmental Taxes.

Form: Form 6627.

Abstract: Form 6627 is used to figure the environmental tax on ozone-depleting chemicals (ODCs), imported products that used ODCs as materials in the manufacture or production of the product, and the floor stocks tax ODCs. Sections 4681 and 4682 impose a tax on ODCs and imported products containing ODCs.

Affected Public: Private sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 13,084.

OMB Number: 1545–1265.

Type of Review: Extension without change of a currently approved collection.

Title: IA–120–86 Capitalization of Interest (TD 8584) (Final).

Abstract: This regulation requires taxpayers to maintain contemporaneous written records of production period estimates, to file a ruling request to segregate activities in applying the interest capitalization rules, and to request the consent of the Commissioner to change their methods of accounting for the capitalization of interest.

Affected Public: Individuals or households; Businesses or other for-profits.

Estimated Annual Burden Hours: 116,767.

OMB Number: 1545–1600.

Type of Review: Extension without change of a currently approved collection.

Title: REG–251703–96 (TD 8813—Final) Residence of Trusts and Estates—7701.

Abstract: Section 1161 of the Taxpayer Relief Act of 1997, Public Law 105–34, 111 Stat. 788 (1997), provides that a trust that was in existence on August 20, 1996 (other than a trust treated as owned by the grantor under subpart E of part I of subchapter J of chapter 1 of the Internal Revenue Code of 1986) and that was treated as a United States person on August 19, 1996, may elect to continue to be treated as a United States person notwithstanding section 7701(a)(30)(E) of the Code. The election will require the Internal Revenue Service to collect information. This regulation provides the procedure and requirements for making the election to remain a domestic trust.

Affected Public: Individuals or households.

Estimated Annual Burden Hours: 114.

OMB Number: 1545–1847.

Type of Review: Extension without change of a currently approved collection.

Title: Revenue Procedure 2004–29, Statistical Sampling in Sec. 274 Context.

Abstract: For taxpayers desiring to establish for purposes of Sec. 274(n) (2), (A), (C), (D), or (E) that a portion of the total amount of substantiated expenses incurred for meals and entertainment is excepted from the 50% limitation of Sec. 274(n), the revenue procedure requires that taxpayers maintain adequate documentation to support the statistical application, sample unit findings, and all aspects of the sample plan.

Affected Public: Private sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 3,200.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–00820 Filed 1–16–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Ironshore Indemnity Inc.

AGENCY: Bureau of the Fiscal Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 1 to the Treasury Department Circular 570, 2013 Revision, published July 1, 2013, at 78 FR 39440.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued under 31 U.S.C. 9305 to the following company:

IRONSHORE INDEMNITY INC. (NAIC # 23647). BUSINESS ADDRESS: P.O. Box 3407, New York, NY 10008. PHONE: (646) 826–6600. UNDERWRITING LIMITATION b/: $12,371,000. SURETY LICENSES c/: AL, AK, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE., NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Minnesota.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 ("Circular"), 2013 Revision, to reflect this addition.

Certificates of Authority expire on June 30th each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (see 31 CFR part 223). A list of qualified companies is published annually as of July 1st in the Circular, which outlines details as to the underwriting limitations, areas in which companies are licensed to transact surety business, and other information.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570.*

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Bureau of the Fiscal Service, Financial Accounting and Services Branch, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: December 20, 2013.

Melvin Saunders

Acting Manager, Financial Accounting and Services Branch.

[FR Doc. 2014–00745 Filed 1–16–14; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Ironshore Specialty Insurance Company

AGENCY: Bureau of the Fiscal Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 2 to the Treasury Department Circular 570, 2013 Revision, published July 1, 2013, at 78 FR 39440.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued under 31 U.S.C. 9305 to the following company:

IRONSHORE SPECIALTY INSURANCE COMPANY (NAIC # 25445).

BUSINESS ADDRESS: P.O. Box 3407, New York, NY 10008.

PHONE: (646) 826–6600.

UNDERWRITING LIMITATION b/: $30,971,000.

SURETY LICENSES c/: AZ.

INCORPORATED IN: Arizona.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 ("Circular"), 2013 Revision, to reflect this addition.

Certificates of Authority expire on June 30th each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (see 31 CFR part 223). A list of qualified companies is published annually as of July 1st in the Circular, which outlines details as to the underwriting limitations, areas in which companies are licensed to transact surety business, and other information.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570.*

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Bureau of the Fiscal Service, Financial Accounting and Services Branch, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: December 20, 2013.

Melvin Saunders,

Acting Manager, Financial Accounting and Services Branch.

[FR Doc. 2014–00746 Filed 1–16–14; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning nuclear decommissioning costs.

DATES: Written comments should be received on or before March 18, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Kerry Dennis at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Nuclear Decommissioning Costs.

OMB Number: 1545–2091.

Regulation Project Number: TD 9512.

Abstract: Statutory changes permit taxpayers that have been subject to limitations on contributions to qualified nuclear decommissioning funds in previous years to make a contribution to the fund of the previously-excluded amount. The regulation provides guidance concerning the calculation of the amount of the contribution and the manner of making the contribution.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 25 hours.

Estimated Total Annual Burden Hours: 2,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 8, 2014.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2014–00802 Filed 1–16–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0772]

Proposed Information Collection (Cooperative Studies Program [CSP]: Site Survey and Meeting Evaluation) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to identify areas for improvement in clinical training programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 18, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov.* Please refer to "OMB Control No. 2900–0556" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere at (202) 461–5694.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles

1. Cooperative Studies Program (CSP) Site Survey, VA Form 10–0511.

2. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–0511a.

OMB Control Number: 2900–0772.

Type of Review: Extension of a currently approved collection.

Abstracts

a. The data collected on VA Form 10–0511 will be used to assist in evaluating the level of customer service within the CSP Coordinating Centers.

b. VA Form 10–0511a will be used to evaluate the effectiveness of the CSP in-person meetings and to identify ways to improve future meetings.

Affected Public: Individuals or households.

Estimated Annual Burden

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–0511—83 hours.

b. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–0511a—83 hours.

Estimated Average Burden per Respondent

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–0511—10 minutes.

b. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–0511a –10 minutes.

Frequency of Response: Annually.

Estimated Annual Responses

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–0511—500.

b. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–0511a –500.

Dated: January 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–00785 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0418]

Proposed Information Collection (VAAR Sections, 809.504(d), and Clause 852.209–70) Activity: Comment Request

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office Management (OM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine whether or not a firm's plant being considered for an award has been inspected by another Federal agency and whether or not an award of a contract to the firm involves a conflict of interest.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 18, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Waleska Pierantoni-Monge, Office of Acquisition and Logistics (003A2A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; or email: *waleska.pierantoni-monge@va.gov.* Please refer to "OMB Control No. 2900–0418" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Waleska Pierantoni-Monge at (202) 632–5400, Fax 202–343–1434.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary

for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Department of Veterans Affairs Acquisition Regulation (VAAR) Section, 809.504(d), and Clause 852.209–70.

OMB Control Number: 2900–0418.

Type of Review: Revision of a currently approved.

Abstract

a. VAAR section 809.504(d) and Clause 852.209–70 requires VA to determine whether or not to award a contract to a firm that might involve or result in a conflict of interest. VA uses the information to determine whether additional contract terms and conditions are necessary to mitigate the conflict.

Affected Public: Business or other for-profit and Not-for-profit institutions.

Estimated Annual Burden: 102.

Estimated Average Burden per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Number of Respondents: 102.

Dated: January 14, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–00826 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0662]

Proposed Information Collection (Civil Rights Discrimination Complaint) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to identify areas for improvement in clinical training programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 18, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov.* Please refer to "OMB Control No. 2900–0556" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere at (202) 461–5694.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Civil Rights Discrimination Complaint, VA Form 10–0381.

OMB Control Number: 2900–0662.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans and other VHA customers who believe that their civil rights were violated by agency employees while receiving medical care or services in VA medical centers, or institutions such as state homes receiving federal financial assistance from VA, complete VA Form 10–0381 to file a formal complaint of the alleged discrimination.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 46 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 183.

Dated: January 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–00784 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0576]

Proposed Information Collection (Certificate of Affirmation of Enrollment Agreement—Correspondence Course); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension without change of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine a claimant's date of enrollment in a correspondence course.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 18, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0576" in any correspondence. During the comment

period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certificate of Affirmation of Enrollment Agreement—Correspondence Course VA Form 22–1999c.

OMB Control Number: 2900–0576.

Type of Review: Extension without change of a currently approved collection.

Abstract: Claimants enrolled in a correspondence training course complete and submit VA Form 22–1999c to the correspondence school to affirm the enrollment agreement contract. The certifying official at the correspondence school must submit the form and the enrollment certification to VA for processing. VA uses the information to determine if the claimant signed and dated the form during the five day reflection period. In addition, the claimant must sign VA Form 22–1999c on or after the seventh day the enrollment agreement was dated. VA will not pay educational benefits for correspondence training that was completed nor accept the affirmation agreement that was signed and dated on or before the enrollment agreement date.

Affected Public: Individuals or households.

Estimated Annual Burden: 18 hours.

Estimated Average Burden per Respondent: 3 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 360.

Dated: January 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–00776 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0422]

Proposed Information Collection (VAAR Clauses 852–236–72, 852.236.80, 852.236–82, 852.236–83, 852.236–84, and 852.236–88) Activity: Comment Request

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Management (OM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each extension without change of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to administer contracts.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 18, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Waleska Pierantoni-Monge, Office of Acquisition and Logistics (003A2A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; or email: *waleska.pierantoni-monge@va.gov.* Please refer to "OMB Control No. 2900–0422" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Waleska Pierantoni-Monge at (202) 632–5400, Fax (202) 343–1434.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, (OM) invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of (OM)'s functions, including whether the information will have practical utility; (2) the accuracy of (OM)'s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles

a. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–72, Performance of Work by the Contractor.

b. Department of Veterans Affairs Acquisition Regulation (VAAR) Alternate I to Clause 852.236–80, Subcontracts and Work Coordination.

c. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), including Alternate 1.

d. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), including Alternate 1.

e. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–84, Schedule of Work Progress.

f. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes.

OMB Control Number: 2900–0422.

Type of Review: Extension of a currently approved collection.

Abstract: The information contained Department of Veterans Acquisition Regulation (VAAR) Clauses 852.236–72, Alternate I to 852.236–80, 852.236–82, 852.236–83, 852.236–84, and 852.236–88 is necessary for VA to administer construction contracts, and to carry out its responsibility to construct, maintain and repair real property for the Department.

a. VAAR Clause 852.236–72, Performance of Work by the Contractor, requires contractors awarded a construction contract containing Federal Acquisition Regulation (FAR) clause 52.236–1, to submit a statement designating the branch or branches of contract work to be performed by the

contractor's own forces. The VAAR clause implements the FAR clause by requiring the contractor to provide information to the contracting officer on how the contractor intends to fulfill this contractual obligation. The contracting officer uses this information to ensure that the contractor complies with the contract requirements.

b. Alternate I to Clause 852.236–80, Work Coordination, require construction contractors, on contracts involving complex mechanical-electrical work, to furnish coordination drawings showing the manner in which utility lines will fit into available spaces and relate to each other and to the existing building elements. The information is used by the contracting officer and VA engineer assigned to the project to resolve any problems relating to the installation of utilities on construction contract.

c. VAAR Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), requires construction contractors to submit a schedule of costs for work to be performed under the contract. If the contract includes guarantee period services, Alternate I requires contractor to submit information on the total and itemized costs of the guarantee period services and to submit a performance plan/program. The information is needed to allow the contracting officer to determine the correct amount to pay the contractor as work progresses and to properly proportion the amount paid for guarantee period services.

d. VAAR Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), requires construction contractors to submit a schedule of costs for work to be performed under the contract. If the contract includes guarantee period services, Alternate I requires contractor to submit information on the total and itemized costs of the guarantee period services and to submit a performance plan/program. The information is needed to allow the contracting officer to determine the correct amount to pay the contractor as work progresses and to properly proportion the amount paid for guarantee period services. The difference between this clause and the one above 852.236–82 is that this clause requires the contractor to use a computerized Network Analysis System (NAS) to prepare the cost estimate.

e. VAAR Clause 852.236–84, Schedule of Work Progress, requires construction contractors, on contracts that do not require the use of a NAS, to submit a progress schedule. The information is used by the contracting officer to track the contractor's progress under the contract and to determine whether or not the contractor is making satisfactory progress.

f. VAAR Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes. FAR Clause 52.243–4 authorizes the contracting officer to order changes to a construction contract but does not specifically require the contractor to submit cost proposals for those changes. VAAR Clause 852.236–88 requires contractors to submit cost proposal for changes ordered by the contracting officer or for changes proposed by the contractor. This information is needed to allow the contracting officer and the contractor to reach a mutually acceptable agreement on how much to pay the contractor for the proposed changes to the contract. It is also used by the contracting officer to determine whether or not to authorize the proposed changes or whether or not additional or alternate cost proposals for changes are needed.

Affected Public: Business or other for-profit; Individuals and households; and Not-for-profit institutions.

Estimated Annual Burden

a. VAAR Clause 852.236–72, Performance of Work by the Contractor—60 hours.

b. VAAR Alternate I to Clause 852.236–80, Subcontracts and Work Coordination—920 hours.

c. VAAR Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), including Alternate 1—1,219 hours.

d. VAAR Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), including Alternate 1—46 hours.

e. VAAR Clause 852.236–84, Schedule of Work Progress—1828.5 hours.

f. VAAR Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes—729 hours.

Estimated Average Burden per Respondent

a. VAAR Clause 852.236–72, Performance of Work by the Contractor—1 hour.

b. VAAR Alternate I to Clause 852.236–80, Subcontracts and Work Coordination—10 hours.

c. VAAR Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), including Alternate 1—1 hour.

d. VAAR Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), including Alternate 1—30 minutes.

e. VAAR Clause 852.236–84, Schedule of Work Progress—1 hour.

f. VAAR Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes—3 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents

a. VAAR Clause 852.236–72, Performance of Work by the Contractor—60.

b. VAAR Alternate I to Clause 852.236–80, Subcontracts and Work Coordination—92.

c. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), including Alternate 1—1,219.

d. VAAR Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), including Alternate 1—92

e. VAAR Clause 852.236–84, Schedule of Work Progress—1,219.

f. VAAR Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes—243.

Dated: January 14, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–00825 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0556]

Proposed Information Collection (Living Will and Durable Power of Attorney for Health Care) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to identify areas for improvement in clinical training programs.

DATES: Written comments and recommendations on the proposed

collection of information should be received on or before March 18, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov.* Please refer to "OMB Control No. 2900–0556" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere at (202) 461–5694.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA Advance Directive: Living Will and Durable Power of Attorney for Health Care, VA Form 10–0137.

OMB Control Number: 2900–0556.

Type of Review: Extension of a currently approved collection.

Abstract: A claimant admitted to a VA medical facility completes VA Form 10–0137 to appoint a health care agent to make decisions about the claimant's medical treatment, and to record specific instructions about the claimant's treatment preferences in the event the claimant no longer can express their preferred treatment. VA's health care professionals use the data collected to carry out the claimant's wish.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 171,811 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 343,622.

Dated: January 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–00783 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—NEW]

Agency Information Collection (Veterans, Researchers, and IRB Members Experiences With Recruitment Restrictions) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before February 18, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to "OMB Control No. 2900–NEW (Veterans, Researchers, and IRB Members Experiences with Recruitment Restrictions)" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to "OMB Control No. 2900–NEW (Veterans, Researchers, and IRB Members Experiences with Recruitment Restrictions)" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

SUPPLEMENTARY INFORMATION:

Titles: Veterans, Researchers, and IRB Members Experiences with Recruitment Restrictions.

OMB Control Number: 2900–NEW, (Veterans, Researchers, and IRB Members Experiences with Recruitment Restrictions).

Type of Review: New collection.

Abstract: The VHA Office of Research Development has launched a Research Best Practices initiative to study ways to improve the conduct of research within the VA. All study data will be analyzed by the investigators using qualitative research methods to understand Veterans' preferences on research recruitment methods. The data will be published in peer-review medical literature and presented at the HSR&D national meeting, if accepted for such.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 31, 2013 at page 65452.

Affected Public: Individuals or households.

Estimated Annual Burden: 192 Burden hours.

Estimated Average Burden per Respondent: 120 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 96

Dated: January 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–00774 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection (Board of Veterans' Appeals Voice of the Veteran Appellant Surveys) Activities Under OMB Review

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Board of Veterans' Appeals (BVA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to "OMB Control No. 2900–NEW (Board of Veterans' Appeals Voice of the Veteran Appellant Surveys)" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to "OMB Control No. 2900–NEW (Board of Veterans' Appeals Voice of the Veteran Appellant Surveys)."

SUPPLEMENTARY INFORMATION:

Title: Board of Veterans' Appeals Voice of the Veteran Appellant Surveys.

OMB Control Number: 2900–NEW, Board of Veterans' Appeals Voice of the Veteran Appellant Surveys.

Type of Review: New collection.

Abstract: Currently, the Board collects customer satisfaction on a very limited basis. Surveys are distributed after the hearing is conducted relying on respondents to mail in the postcard. The survey card only measures the appellant's satisfaction with the hearing process and response rates are low. The Board will benefit from obtaining direct feedback from Veterans regarding their experience with the Board with either the hearing or non-hearing experience. Specifically, the Veterans' feedback will provide the Board three key benefits: (1) Identify what is most important to Veterans in determining their satisfaction with both the hearing and non-hearing process; (2) determine what to do to improve experience; and (3) serve to guide training and/or operational activities aimed at enhancing the quality of service provided to Veterans.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 6, 2013, at pages 54956–54957.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,571.

Estimated Average Burden per Respondent: 6.4 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 14,727.

Dated: January 14, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–00895 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—NEW]

Agency Information Collection (Board of Veterans' Appeals, Veterans Information Office, Voice of the Veteran Call Center Survey) Activities Under OMB Review

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Board of Veterans' Appeals (BVA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to "OMB Control No. 2900–NEW (Board of Veterans' Appeals, Veterans Information Office, Voice of the Veteran Call Center Survey)" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to "OMB Control No. 2900–NEW (Board of Veterans' Appeals, Veterans Information Office, Voice of the Veteran Call Center Survey)."

SUPPLEMENTARY INFORMATION:

Title: Board of Veterans' Appeals, Veterans Information Office, Voice of the Veteran Call Center Survey.

OMB Control Number: 2900–NEW, (Board of Veterans' Appeals, Veterans Information Office, Voice of the Veteran Call Center Survey).

Type of Review: New collection.

Abstract: Currently, the Board collects customer satisfaction on a very limited basis. Survey cards are distributed to the appellant if a hearing is conducted and the Board relies on respondents to mail in the postcard. The survey card only measures the appellant's satisfaction with the hearing process and response rates are low. The Board will benefit from obtaining direct feedback from its Veterans and appellants regarding their recent VIO Call Center experience. Specifically, the Veterans' feedback will provide the Board three key benefits: (1) Identify what is most important to its Veterans and appellants in determining their satisfaction with their VIO Call Center experience; (2) determine what to do to improve the call center experience; and (3) serve to guide training and/or operational activities aimed at enhancing the quality of service provide to its Veterans.

An agency may not conduct or sponsor, and a person is not required to

respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 6, 2013, at pages 54957–54958.

Affected Public: Individuals or households.

Estimated Annual Burden: 500.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 5,000.

Dated: January 14, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–00896 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0080]

Proposed Information Collection (Funeral Arrangements Form for Disposition of Remains of the Deceased) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to identify areas for improvement in clinical training programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 18, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov.* Please refer to "OMB Control No. 2900–0080" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere at (202) 461–5694.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Funeral Arrangements Form for Disposition of Remains of the Deceased, VA Form 10–2065.

OMB Control Number: 2900–0080.

Type of Review: Extension of a currently approved collection.

Abstracts: VA Form 10–2065 is completed by VA personnel during an interview with relatives of the deceased, and to identify the funeral home to which the remains are to be released. The form is also used as a control document when VA is requested to arrange for the transportation of the deceased from the place of death to the place of burial, and/or when burial is requested in a National Cemetery.

Affected Public: Business or other for-profit.

Estimated Total Annual Burden: 3,072 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 22,213.

Dated: January 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–00759 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0776 (DBQs—Group 2)]

Proposed Information Collection (Disability Benefits Questionnaires—Group 2) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension without change of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to obtain medical evidence to adjudicate a claim for disability benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 18, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0776 (DBQs—Group 2)" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility;

(2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Arteries and Veins Conditions (Vascular Diseases including Varicose Veins) Disability Benefits Questionnaire, VA Form 21–0960A–2.

b. Hypertension Disability Benefits Questionnaire, VA Form 21–0960A–3.

c. Non-ischemic Heart Disease (including Arrhythmias and Surgery, Disability Benefits Questionnaire, VA Form 21–0960A–4.

d. Diabetic Peripheral Neuropathy (Diabetic Sensory-Motor Peripheral Neuropathy), Disability Benefits Questionnaire, VA Form 21–0960C–4.

e. Diabetes Mellitus Disability Benefits Questionnaire, VA Form 21–0960E–1.

f. Scar/Disfigurement Disability Benefits Questionnaire, VA Form 21–0960F–1.

g. Skin Diseases Disability Benefits Questionnaire, VA Form 21–0960F–2.

h. Amputations Disability Benefits Questionnaire, VA Form 21–0960M–1.

i. Ankle Conditions Disability Benefits Questionnaire, VA Form 21–0960M–2.

j. Elbow and Forearm Conditions Disability Benefits Questionnaire, VA Form 21–0960M–4.

k. Flatfoot (PES PLANUS) Disability Benefits Questionnaire, VA Form 21–0960M–5.

l. Foot Miscellaneous (other than flatfoot/PES PLANUS), Disability Benefits Questionnaire, VA Form 21–0960M–6.

m. Hand and Finger Conditions Disability Benefits Questionnaire, VA Form 21–0960M–7.

n. Hip and Thigh Conditions Disability Benefits Questionnaire, VA Form 21–0960M–8.

o. Knee and Lower Leg Conditions Disability Benefits Questionnaire, VA Form 21–0960M–9.

p. Muscle Injuries Disability Benefits Questionnaire, VA Form 21–0960M–10.

q. Shoulder and Arm Conditions Disability Benefits Questionnaire, VA Form 21–0960M–12.

r. Temporomandibular Joint (TMJ) Conditions Disability Benefits Questionnaire, VA Form 21–0960M–15.

s. Wrist Conditions Disability Benefits Questionnaire, VA Form 21–0960M–16.

t. Eye Conditions Disability Benefits Questionnaire, VA Form 21–0960N–2.

OMB Control Number: 2900–0776 (DBQs—Group 2).

Type of Review: Extension without change of a currently approved collection.

Abstract: Data collected on VA Form 21–0960 series will be used obtain information from claimants treating physician that is necessary to adjudicate a claim for disability benefits.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 21–0960A–2—10,000.
b. VA Form 21–0960A–3—12,500.
c. VA Form 21–0960A–4—10,000.
d. VA Form 21–0960C–4—37,500.
e. VA Form 21–0960E–1—18,750.
f. VA Form 21–0960F–1—6,250.
g. VA Form 21–0960F–2—6,250.
h. VA Form 21–0960M–1—12,500.
i. VA Form 21–0960M–2—15,000.
j. VA Form 21–0960M–4—10,000.
k. VA Form 21–0960M–5—12,500.
l. VA Form 21–0960M–6—7,500.
m. VA Form 21–0960M–7—15,000.
n. VA Form 21–0960M–8—25,000.
o. VA Form 21–0960M–9—25,000.
p. VA Form 21–0960M–10—15,000.
q. VA Form 21–0960M–12—25,000.
r. VA Form 21–0960M–15—3,750.
s. VA Form 21–0960M–16—20,000.
t. VA Form 21–0960N–2—30,000.

Estimated Average Burden per Respondent:

a. VA Form 21–0960A–2—30 minutes.
b. VA Form 21–0960A–3—15 minutes.
c. VA Form 21–0960A–4—30 minutes.
d. VA Form 21–0960C–4—30 minutes.
e. VA Form 21–0960E–1—15 minutes.
f. VA Form 21–0960F–1—15 minutes.
g. VA Form 21–0960F–2—15 minutes.
h. VA Form 21–0960M–1—30 minutes.
i. VA Form 21–0960M–2—30 minutes.
j. VA Form 21–0960M–4—30 minutes.
k. VA Form 21–0960M–5—15 minutes.
l. VA Form 21–0960M–6—15 minutes.
m. VA Form 21–0960M–7—30 minutes.
n. VA Form 21–0960M–8—30 minutes.
o. VA Form 21–0960M–9—30 minutes.
p. VA Form 21–0960M–10—30 minutes.
q. VA Form 21–0960M–12—30 minutes.
r. VA Form 21–0960M–15—15 minutes.
s. VA Form 21–0960M–16—30 minutes.
t. VA Form 21–0960N–2—45 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VA Form 21–0960A–2—20,000.
b. VA Form 21–0960A–3—50,000.
c. VA Form 21–0960A–4—20,000.
d. VA Form 21–0960C–4—75,000.
e. VA Form 21–0960E–1—75,000.
f. VA Form 21–0960F–1—25,000.
g. VA Form 21–0960F–2—25,000.
h. VA Form 21–0960M–1—25,000.
i. VA Form 21–0960M–2—30,000.
j. VA Form 21–0960M–4—20,000.
k. VA Form 21–0960M–5—50,000.
l. VA Form 21–0960M–6—30,000.
m. VA Form 21–0960M–7—30,000.
n. VA Form 21–0960M–8—50,000.
o. VA Form 21–0960M–9—50,000.
p. VA Form 21–0960M–10—30,000.
q. VA Form 21–0960M–12—50,000.
r. VA Form 21–0960M–15—15,000.
s. VA Form 21–0960M–16—40,000.
t. VA Form 21–0960N–2—40,000.

Dated: January 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–00782 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—NEW]

Agency Information Collection (Bowel and Bladder Care Billing Form) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before February 18, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn:

VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to "OMB Control No. 2900—NEW (Bowel and Bladder Care Billing Form)" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov*. Please refer to "OMB Control No. 2900–NEW (Bowel and Bladder Care Billing Form)" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: Bowel and Bladder Care Billing Form, VA Form 10–10071.

OMB Control Number: 2900—NEW.

Type of Review: New data collection.

Abstract: The information requested on this form is required for National Non-VA Medical Care Program Office to pay eligible caregivers for time spent providing eligible Veterans with specifically defined services such as: Bowel and bladder care, showering, shaving, brushing teeth, dressing, transferring to wheelchair, catheterization, undressing, transferring to bed, putting away clothes, etc.

Affected Public: Individuals or households.

Estimated Annual Burden: 7,600 burden hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: 12 per year.

Estimated Number of Respondents: 3,800.

Dated: January 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–00775 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Advisory Committee on Disability Compensation will meet on March 3–4, 2014, at the U.S. Department of Veterans Affairs. On March 3, 2014, the Committee will meet in Room 730, 810 Vermont Avenue NW., Washington, DC 20420, and on March 4, 2014, the Committee will meet in Room 630 at the same address. The sessions will begin at 8:30 a.m. and end at 4:30 p.m. on both days. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The Committee will receive briefings on issues related to compensation for Veterans with service-connected disabilities and other VA benefits programs. Time will be allocated for receiving public comments in the morning or afternoon. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Nancy Copeland, Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration, Compensation Service, Regulation Staff (211D), 810 Vermont Avenue NW., Washington, DC 20420, or email at *nancy.copeland@va.gov*. Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing to attend the meeting or seeking additional information should email Mrs. Copeland or contact her at (202) 461–9685.

Dated: January 14, 2014.

William F. Russo,

Deputy Director, Office of Regulation Policy & Management Office of the General Counsel.

[FR Doc. 2014–00842 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Performance Review Board Members

AGENCY: Corporate Senior Executive Management Office, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Under the provisions of 5 U.S.C. 4314(c)(4) agencies are required to publish a notice in the **Federal Register** of the appointment of Performance Review Board (PRB) members. This notice announces the appointment of persons to serve on the Performance Review Board of the Department of Veterans Affairs.

DATES: *Effective date:* January 17, 2014.

ADDRESSES: Corporate Senior Executive Management Office, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Contact William Atkinson, Deputy Director, Corporate Senior Executive Management Office (052), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5928.

SUPPLEMENTARY INFORMATION: The membership of the Department of Veterans Affairs Performance Review Board is as follows:

Steve Muro (Chair)
Rita Clinton
Laura Eskenazi
Will A. Gunn
Robert Jesse
Danny Pummill
Robert Snyder

The Secretary of Veterans Affairs approved this document on December 17, 2013, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Authority: 5 U.S.C. 4314(c)(4).

Dated: January 15, 2014.

Robert C. McFetridge,

Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014–01030 Filed 1–16–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Friday,
No. 12 January 17, 2014

Part II

United States Sentencing Commission

Sentencing Guidelines for United States Courts; Notice

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of proposed amendments to sentencing guidelines, policy statements, and commentary. Request for public comment, including public comment regarding retroactive application of any of the proposed amendments. Notice of public hearing.

SUMMARY: Pursuant to section 994(a), (o), and (p) of title 28, United States Code, the United States Sentencing Commission is considering promulgating certain amendments to the sentencing guidelines, policy statements, and commentary. This notice sets forth the proposed amendments and, for each proposed amendment, a synopsis of the issues addressed by that amendment. This notice also sets forth a number of issues for comment, some of which are set forth together with the proposed amendments; some of which are set forth independent of any proposed amendment; and one of which (regarding retroactive application of proposed amendments) is set forth in the Supplementary Information portion of this notice.

The proposed amendments and issues for comment in this notice are as follows:

(1) a proposed amendment to § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) to respond to two circuit conflicts involving the effect of a mandatory minimum sentence on the guideline range in resentencing proceedings under 18 U.S.C. § 3582(c)(2);

(2) a proposed amendment to respond to the new and expanded criminal offenses and increased statutory penalties provided by the Violence Against Women Reauthorization Act of 2013, Public Law 113–B4 (March 7, 2013), including (A) options to amend §§ 2A2.2 (Aggravated Assault), 2A2.3 (Minor Assault), and 2A6.2 (Stalking or Domestic Violence) to address statutory changes to 18 U.S.C. §§ 113, 2261, 2261A, and 2262, and (B) options to amend Appendix A (Statutory Index) to address certain offenses established or affected by that Act, including 18 U.S.C. § 113, 1153, 1597, and 2423; 8 U.S.C. § 1375a; and 47 U.S.C. § 223, and related issues for comment;

(3) a proposed amendment to the guidelines applicable to drug offenses, including (A) a detailed request for comment on whether any changes should be made to the Drug Quantity Table in § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) across drug types; (B) a proposed amendment that illustrates one possible set of changes to the Drug Quantity Table in § 2D1.1, together with conforming changes to the chemical quantity tables in § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy); and (C) an issue for comment on whether the guidelines adequately address the environmental and other harms of drug production operations (including, in particular, the cultivation of marihuana) on public lands or while trespassing on private property;

(4) a proposed amendment to § 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition) to clarify how principles of relevant conduct apply in cases in which the defendant is convicted of a firearms offense (*e.g.*, being a felon in possession of a firearm) in two situations: first, when the defendant unlawfully possessed one firearm on one occasion and a different firearm on another occasion (but was not necessarily convicted of the second offense); and second, when the defendant unlawfully possessed a firearm and also used a firearm in connection with another offense, such as robbery or attempted murder (but was not necessarily convicted of the other offense), and related issues for comment;

(5) a proposed amendment to § 2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien) to address cases in which aliens are transported through dangerous terrain, *e.g.*, along the southern border of the United States, and related issues for comment;

(6) a proposed amendment to address differences among the circuits in the calculation of the guideline range of supervised release under § 5D1.2 (Term of Supervised Release) in two situations: first, when there is a statutory minimum term of supervised release; and second, when the instant offense of conviction is failure to register as a sex offender under 18 U.S.C. § 2250, and related issues for comment; and

(7) a proposed amendment to § 5G1.3 (Imposition of a Sentence on a Defendant Subject to an Undischarged Term of Imprisonment) to address certain types of cases in which the defendant is subject to an undischarged term of imprisonment, including (A) a proposed change requiring the court to account for an undischarged term of imprisonment that is relevant conduct to the instant federal offense of conviction but does not result in a Chapter Two or Chapter Three increase; (B) a proposed change allowing the court to account for an undischarged state term of imprisonment that is anticipated but not yet imposed; and (C) a proposed change allowing the court to adjust the sentence if the defendant is a deportable alien who is likely to be deported after imprisonment and is serving an undischarged term of imprisonment that resulted from an unrelated offense, and related issues for comment.

DATES: (1) Written Public Comment.—Written public comment regarding the proposed amendments and issues for comment set forth in this notice, including public comment regarding retroactive application of any of the proposed amendments, should be received by the Commission not later than March 18, 2014.

(2) Public Hearings.—The Commission plans to hold public hearings regarding the proposed amendments and issues for comment set forth in this notice. Specifically, a public hearing on Proposed Amendment 2 of this notice (relating to the Violence Against Women Act of 2013) and other issues related to the reauthorization of the Violence Against Women Act of 2013 will be held on February 13, 2014, and a public hearing on other proposed amendments will be held on March 13, 2014. Further information regarding the public hearings, including requirements for testifying and providing written testimony, as well as the location, time, and scope of the hearings, will be provided by the Commission on its Web site at *www.ussc.gov*.

ADDRESSES: Public comment should be sent to the Commission by electronic mail or regular mail. The email address for public comment is *Public_Comment@ussc.gov*. The regular mail address for public comment is United States Sentencing Commission, One Columbus Circle, NE., Suite 2–500, Washington, DC 20002–8002, Attention: Public Affairs.

FOR FURTHER INFORMATION CONTACT: Jeanne Doherty, Public Affairs Officer, (202) 502–4502, *pubaffairs@ussc.gov*.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts

pursuant to 28 U.S.C. § 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. § 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. § 994(p).

The proposed amendments in this notice are presented in one of two formats. First, some of the amendments are proposed as specific revisions to a guideline or commentary. Bracketed text within a proposed amendment indicates a heightened interest on the Commission's part in comment and suggestions regarding alternative policy choices; for example, a proposed enhancement of [2][4][6] levels indicates that the Commission is considering, and invites comment on, alternative policy choices regarding the appropriate level of enhancement. Similarly, bracketed text within a specific offense characteristic or application note means that the Commission specifically invites comment on whether the proposed provision is appropriate. Second, the Commission has highlighted certain issues for comment and invites suggestions on how the Commission should respond to those issues.

The Commission requests public comment regarding whether, pursuant to 18 U.S.C. § 3582(c)(2) and 28 U.S.C. § 994(u), any proposed amendment published in this notice should be included in subsection (c) of § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) as an amendment that may be applied retroactively to previously sentenced defendants. The Commission lists in § 1B1.10(c) the specific guideline amendments that the court may apply retroactively under 18 U.S.C. § 3582(c)(2). The background commentary to § 1B1.10 lists the purpose of the amendment, the magnitude of the change in the guideline range made by the amendment, and the difficulty of applying the amendment retroactively to determine an amended guideline range under § 1B1.10(b) as among the factors the Commission considers in selecting the amendments included in § 1B1.10(c). To the extent practicable, public comment should address each of these factors.

Additional information pertaining to the proposed amendments described in this notice may be accessed through the Commission's Web site at *www.ussc.gov*.

Authority: 28 U.S.C. § 994(a), (o), (p), (x); USSC Rules of Practice and Procedure, Rule 4.4.

Patti B. Saris,
Chair.

1. 1B1.10

Synopsis of Proposed Amendment: This proposed amendment responds to two circuit conflicts involving the effect of a mandatory minimum sentence on the guideline range in resentencing proceedings under 18 U.S.C. § 3582(c)(2) and the Commission's policy statement at § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range).

Section 3582(c)(2) authorizes the court to reduce a defendant's term of imprisonment if the defendant's sentence was based on a sentencing range that has subsequently been lowered by the Sentencing Commission and the reduction is consistent with applicable policy statements issued by the Commission. The applicable policy statement is § 1B1.10, which provides guidance and limitations for a court in such a proceeding. Effective November 1, 2011, the Commission promulgated Amendment 750, which made a series of changes to the drug guidelines to implement the Fair Sentencing Act of 2010, and Amendment 759, which made two parts of Amendment 750 available for retroactive application. Amendment 759 also revised § 1B1.10 to provide that the new sentence may not be lower than the amended guideline range unless the original sentence was below the original guideline range because of a government motion for substantial assistance. In such a case, "a reduction comparably less than the amended guideline range" may be appropriate. *See* § 1B1.10(b)(2)(B). Circuits are now split over how to apply § 1B1.10(b)(2)(B) in two situations.

Original Guideline Range Above the Mandatory Minimum

First, there are cases in which the defendant's original guideline range was above the mandatory minimum but the defendant received a sentence below the mandatory minimum pursuant to a government motion for substantial assistance. For example, consider a case in which the mandatory minimum was 240 months, the original guideline range was 262 to 327 months, and the defendant's original sentence was 160 months, representing a 39 percent reduction for substantial assistance below the bottom of the guideline range. On resentencing pursuant to Amendment 750, the amended guideline range as determined on the Sentencing Table is 168 to 210 months, but after application of the "trumping" mechanism in § 5G1.1 (Sentencing on a Single Count of Conviction), the mandatory minimum sentence of 240 months is the guideline sentence. *See* § 5G1.1(b). Section 1B1.10(b)(2)(B) provides that such a defendant may receive a comparable 39 percent reduction from the bottom of the amended guideline range, but circuits are split over what to use as the bottom of the range.

The Eighth Circuit has taken the view that the bottom of the amended guideline range in such a case would be 240 months, *i.e.*, the guideline sentence that results after application of the "trumping" mechanism in § 5G1.1. *See United States* v. *Golden*, 709 F.3d 1229, 1231–33 (8th Cir. 2013). In contrast, the Seventh Circuit has taken the view that the bottom of the amended guideline range in such a case would be 168 months, *i.e.*, the bottom of the amended range as determined by the Sentencing Table, without application of the "trumping" mechanism in § 5G1.1. *See United States* v. *Wren*, 706 F.3d 861, 863 (7th Cir. 2013). Each circuit found support for its view in an Eleventh Circuit decision, *United States* v. *Liberse*, 688 F.3d 1198 (11th Cir. 2012), which also discussed this issue.

Bottom of Original Guideline Range Below the Mandatory Minimum

Second, there are cases in which the defendant's original guideline range as determined by the Sentencing Table was, at least in part, below the mandatory minimum, and the defendant received a sentence below the mandatory minimum pursuant to a government motion for substantial assistance. In these cases, the "trumping" mechanism in § 5G1.1 operated at the original sentence to restrict the guideline range to be no less than the mandatory minimum.

For example, consider a case in which the original Sentencing Table guideline range was 140 to 175 months but the mandatory minimum was 240 months, resulting (after operation of § 5G1.1) in a guideline sentence of 240 months. The defendant's original sentence was 96 months, representing a 60 percent reduction for substantial assistance below the statutory and guideline minimum. On resentencing, the amended Sentencing Table guideline range is 110 to 137 months, resulting (after operation of § 5G1.1) in a guideline sentence of 240 months. Section 1B1.10(b)(2)(B) provides that such a defendant may receive a reduction from the bottom of the amended guideline range, but circuits

are split over what to use as the bottom of the range.

The Eleventh Circuit, the Sixth Circuit, and the Second Circuit have taken the view that the bottom of the amended range in such a case would remain 240 months, *i.e.*, the guideline sentence that results after application of the "trumping" mechanism in § 5G1.1. *See United States* v. *Glover*, 686 F.3d 1203, 1208 (11th Cir. 2012); *United States* v. *Joiner*, 727 F.3d 601 (6th Cir. 2013); *United States* v. *Johnson*, 732 F.3d 109 (2d Cir. 2013). Under these decisions, the defendant in the example would have an original range of 240 months and an amended range of 240 months, and would not be eligible for any reduction because the range has not been lowered.

In contrast, the Third Circuit and the District of Columbia Circuit have taken the view that the bottom of the amended range in such a case would be 110 months, *i.e.*, the bottom of the Sentencing Table guideline range. *See United States* v. *Savani*, 733 F.3d 56, 66–7 (3d Cir. 2013); *In re Sealed Case*, 722 F.3d 361, 369–70 (D.C. Cir. 2013).

The proposed amendment presents two options for responding to these conflicts:

Option 1 would generally adopt the approach of the Third Circuit in *Savani* and the District of Columbia Circuit in *In re Sealed Case*. It would amend § 1B1.10 to specify that, if the case involves a statutorily required minimum sentence and the court had the authority to impose a sentence below the statutorily required minimum sentence pursuant to a government motion to reflect the defendant's substantial assistance to authorities, then for purposes of § 1B1.10 the amended guideline range shall be determined without regard to the operation of § 5G1.1 and § 5G1.2.

Option 2 would generally adopt the approach of the Eleventh Circuit in *Glover*, the Sixth Circuit in *Joiner*, and the Second Circuit in *Johnson*, which is also consistent with the approach of the Eighth Circuit in *Golden*. It would amend § 1B1.10 to specify that, if the case involves a statutorily required minimum sentence and the court had the authority to impose a sentence below the statutorily required minimum sentence pursuant to a government motion to reflect the defendant's substantial assistance to authorities, then for purposes of § 1B1.10 the amended guideline range shall be determined after operation of § 5G1.1 or § 5G1.2, as appropriate.

Each option also adds commentary with examples.

Proposed Amendment

Section 1B1.10 is amended in each of subsections (a)(1), (a)(2)(A), (a)(2)(B), and (b)(1) by striking "subsection (c)" each place such term appears and inserting "subsection (d)"; by redesignating subsection (c) as subsection (d); and by inserting after subsection (b) the following new subsection (c) (within which two options are provided):

"(c) *Cases Involving Mandatory Minimum Sentences and Substantial Assistance.*—If the case involves a statutorily required minimum sentence and the court had the authority to impose a sentence below the statutorily required minimum sentence pursuant to a government motion to reflect the defendant's substantial assistance to authorities, then for purposes of this policy statement:

[Option 1:

the amended guideline range shall be determined without regard to the operation of § 5G1.1 (Sentencing on a Single Count of Conviction) and § 5G1.2 (Sentencing on Multiple Counts of Conviction).]

[Option 2:

the amended guideline range shall be determined after operation of § 5G1.1 (Sentencing on a Single Count of Conviction) or § 5G1.2 (Sentencing on Multiple Counts of Conviction), as appropriate.]".

The Commentary to § 1B1.10 captioned "Application Notes" is amended in Notes 1(A), 2, and 4 by striking "subsection (c)" each place such term appears and inserting "subsection (d)"; by redesignating Notes 4 through 6 as Notes 5 through 7, respectively; and by inserting after Note 3 the following new Note 4 (within which, two options are provided, corresponding to the two options provided above):

"4. *Application of Subsection (c).*—As stated in subsection (c), if the case involves a statutorily required minimum sentence and the court had the authority to impose a sentence below the statutorily required minimum sentence pursuant to a government motion to reflect the defendant's substantial assistance to authorities, then for purposes of this policy statement:

[Option 1, continued:

the amended guideline range shall be determined without regard to the operation of § 5G1.1 (Sentencing on a Single Count of Conviction) and § 5G1.2 (Sentencing on Multiple Counts of Conviction). For example:

(A) Defendant A is subject to a mandatory minimum term of imprisonment of 120 months. The original guideline range at the time of sentencing was 135 to 168 months, which is entirely above the mandatory minimum, and the court imposed a sentence of 101 months pursuant to a government motion to reflect the defendant's substantial assistance to authorities. The court determines that the amended guideline range as calculated on the Sentencing Table is 108 to 135 months. Ordinarily, § 5G1.1 would operate to restrict the amended guideline range to 120 to 135 months, to reflect the mandatory minimum term of imprisonment. For purposes of this policy statement, however, the amended guideline range remains 108 to 135 months.

To the extent the court considers it appropriate to provide a reduction comparably less than the amended guideline range pursuant to subsection (b)(2)(B), Defendant A's original sentence of 101 months amounted to a reduction of approximately 25 percent below the minimum of the original guideline range of 135 months. Therefore, an amended sentence of 81 months (representing a reduction of approximately 25 percent below the minimum of the amended guideline range of 108 months) would amount to a comparable reduction and may be appropriate.

(B) Defendant B is subject to a mandatory minimum term of imprisonment of 120 months. The original guideline range at the time of sentencing (as calculated on the Sentencing Table) was 108 to 135 months, which was restricted by operation of § 5G1.1 to a range of 120 to 135 months. *See* § 5G1.1(c)(2). The court imposed a sentence of 90 months pursuant to a government motion to reflect the defendant's substantial assistance to authorities. The court determines that the amended guideline range as calculated on the Sentencing Table is 87 to 108 months. Ordinarily, § 5G1.1 would operate to restrict the amended guideline range to precisely 120 months, to reflect the mandatory minimum term of imprisonment. *See* § 5G1.1(b). For purposes of this policy statement, however, the amended guideline range is considered to be 87 to 108 months (*i.e.*, unrestricted by operation of § 5G1.1 and the statutory minimum of 120 months).

To the extent the court considers it appropriate to provide a reduction comparably less than the amended guideline range pursuant to subsection (b)(2)(B), Defendant B's original sentence of 90 months amounted to a

reduction of approximately 25 percent below the original guideline range of 120 months. Therefore, an amended sentence of 65 months (representing a reduction of approximately 25 percent below the minimum of the amended guideline range of 87 months) would amount to a comparable reduction and may be appropriate.]

[Option 2, continued:

the amended guideline range shall be determined after operation of § 5G1.1 (Sentencing on a Single Count of Conviction) or § 5G1.2 (Sentencing on Multiple Counts of Conviction), as appropriate. For example:

(A) Defendant A is subject to a mandatory minimum term of imprisonment of 120 months. The original guideline range at the time of sentencing was 135 to 168 months, which is entirely above the mandatory minimum, and the court imposed a sentence of 101 months pursuant to a government motion to reflect the defendant's substantial assistance to authorities. The court determines that the amended guideline range as calculated on the Sentencing Table is 108 to 135 months. For purposes of this policy statement, the amended guideline range is considered to be 120 to 135 months (*i.e.*, restricted by operation of § 5G1.1 to reflect the statutory minimum of 120 months).

To the extent the court considers it appropriate to provide a reduction comparably less than the amended guideline range pursuant to subsection (b)(2)(B), Defendant A's original sentence of 101 months amounted to a reduction of approximately 25 percent below the minimum of the original guideline range of 135 months. Therefore, an amended sentence of 90 months (representing a reduction of 25 percent below the minimum of the amended guideline range of 120 months) would amount to a comparable reduction and may be appropriate.

(B) Defendant B is subject to a mandatory minimum term of imprisonment of 120 months. The original guideline range at the time of sentencing (as calculated on the Sentencing Table) was 108 to 135 months, which was restricted by operation of § 5G1.1 to a range of 120 to 135 months. *See* § 5G1.1(c)(2). The court imposed a sentence of 90 months pursuant to a government motion to reflect the defendant's substantial assistance to authorities. The court determines that the amended guideline range as calculated on the Sentencing Table is 87 to 108 months. For purposes of this policy statement, the amended guideline range is considered to be precisely 120 months (*i.e.*, restricted by operation of § 5G1.1 to reflect the statutory minimum of 120 months).

To the extent the court considers it appropriate to provide a reduction comparably less than the amended guideline range pursuant to subsection (b)(2)(B), Defendant B's original sentence of 90 months amounted to a reduction of 25 percent below the minimum of the original guideline range of 120 months. However, subsection (b)(2)(B) precludes this defendant from receiving any further reduction, because the point from which any comparable reduction would be determined has not changed; the minimum of the original guideline range (120 months) and the minimum of the amended guideline range (120 months) are the same, so any comparable reduction that may be appropriate under subsection (b)(2)(B) would be equivalent to the reduction Defendant B already received in the original sentence of 90 months.]".

The Commentary to § 1B1.10 captioned "Background" is amended by striking "subsection (c)" both places such term appears and inserting "subsection (d)".

2. Violence Against Women Reauthorization Act

Synopsis of Proposed Amendment: This proposed amendment responds to the Violence Against Women Reauthorization Act of 2013, Public Law 113–4 (March 7, 2013), which, among other things, provided new and expanded criminal offenses and increased penalties for certain crimes involving assault, sexual abuse, stalking, domestic violence, harassment, and human trafficking. Issues for comment are also included.

This proposed amendment and issues for comment address the issues raised by the statutory changes made by the Act in the following manner:

(A) 18 U.S.C. § 113 (Assaults Within Maritime and Territorial Jurisdiction)

Synopsis of Proposed Amendment: This part of the proposed amendment addresses changes to 18 U.S.C. § 113 (Assaults within maritime and territorial jurisdiction). Section 113 sets forth a range of penalties for assaults within the special maritime and territorial jurisdiction of the United States. This jurisdiction is defined by statute to include, among other things, maritime areas such as the high seas; land areas such as federal lands and buildings; federal holdings overseas such as diplomatic missions and military bases; and aircraft, vessels, and space vehicles belonging to the federal government, as well as certain other aircraft, vessels, and space vehicles. *See* 18 U.S.C. § 7. Section 113 also applies to assaults committed by Indians or non-Indians within Indian country. *See* 18 U.S.C. § 1153 (Offenses committed within Indian country), commonly referred to as the Major Crimes Act, and 18 U.S.C. § 1152, commonly referred to as the General Crimes Act.

Before enactment of the Act, section 113(a) contained seven paragraphs, (1) through (7). Each of these paragraphs applies to certain types of assault and provides a statutory maximum term of imprisonment. Most of these paragraphs are referenced in Appendix A (Statutory Index) to specific offense guidelines in Chapter Two, Part A. The Act revised certain paragraphs and added a new paragraph (8).

Sec. 113(a)(1) Assault With Intent To Commit Sexual Abuse (20-Year Maximum)

Before enactment of the Act, section 113(a)(1) applied to assault with intent to commit murder and provided a statutory maximum term of imprisonment of 20 years. Section 113(a)(1) is referenced in Appendix A to § 2A2.1 (Assault with Intent to Commit Murder; Attempted Murder).

The Act expanded section 113(a)(1) so that it applies not only to assault with intent to commit murder, but also to assault with intent to commit a violation of section 2241 (Aggravated sexual abuse) or 2242 (Sexual abuse). The proposed amendment amends Appendix A so that section 113(a)(1) is also referenced to § 2A3.1 (Criminal Sexual Abuse; Attempt to Commit Criminal Sexual Abuse), which is the guideline to which offenses under sections 2241 and 2242 are referenced.

Sec. 113(a)(2) Assault With Intent To Commit Certain Sex Offenses (10-Year Maximum)

Before enactment of the Act, section 113(a)(2) applied to assault with intent to commit any felony, except murder or a felony under chapter 109A, and provided a statutory maximum term of imprisonment of 10 years. Felonies under chapter 109A include violations of sections 2241, 2242, 2243 (Sexual abuse of a minor or ward), and 2244 (Abusive sexual contact). Section 113(a)(2) is referenced in Appendix A to § 2A2.2 (Aggravated Assault).

The Act expanded the scope of section 113(a)(2) by narrowing the chapter 109A exception. Section 113(a)(2) now applies to assault with intent to commit any felony, except murder or a violation of section 2241 or 2242. The effect of this change is that an assault with intent to commit a felony

violation of section 2243 or 2244 may now be prosecuted under section 113(a)(2). The proposed amendment amends Appendix A so that section 113(a)(2) is referenced not only to § 2A2.2 but also to §§ 2A3.2, 2A3.3, and 2A3.4 (*i.e.*, the guidelines to which offenses under sections 2243 and 2244 are referenced).

Sec. 113(a)(4) Assault by Striking, Beating, or Wounding (1-Year Maximum)

Section 113(a)(4) applies to assault by striking, beating, or wounding. Before the Act it provided a statutory maximum term of imprisonment of 6 months. Section 113(a)(4) is not referenced in Appendix A.

The Act increased the statutory maximum term of imprisonment to 1 year. The proposed amendment amends Appendix A to reference section 113(a)(4) to § 2A2.3 (Minor Assault).

Sec. 113(a)(7) Assault Resulting in Substantial Bodily Injury to Spouse, Intimate Partner, or Dating Partner (5-Year Maximum)

Before enactment of the Act, section 113(a)(7) applied to assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, and provided a statutory maximum term of imprisonment of 5 years. Section 113(a)(7) is referenced in Appendix A (Statutory Index) to § 2A2.3. Among other things, § 2A2.3 has a 4-level enhancement if the offense resulted in substantial bodily injury to an individual who has not attained the age of 16 years.

The Act expanded section 113(a)(7) so that it also applies to assault resulting in substantial bodily injury to a spouse or intimate partner or dating partner. The proposed amendment amends § 2A2.3 to broaden the scope of the 4-level enhancement. Two options are presented:

Option 1 broadens the scope of the 4-level enhancement so that it applies not only to a case in which the offense resulted in substantial bodily injury to an individual who has not attained the age of 16 years, but also to a case in which the offense resulted in substantial bodily injury to a spouse or intimate partner or dating partner.

Option 2 broadens the scope of the 4-level enhancement so that it applies to any case in which the offense resulted in substantial bodily injury.

In addition, the proposed amendment brackets the possibility of amending Appendix A to provide that offenses under section 113(a)(7) would also be referenced to § 2A6.2 (Stalking or Domestic Violence).

Sec. 113(a)(8) Assault of a Spouse, Intimate Partner, or Dating Partner by Strangling or Suffocating (10-Year Maximum)

Section 113(a)(8) is a new provision established by the Act. It applies to assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate, and provides a statutory maximum term of imprisonment of 10 years.

The proposed amendment makes three changes to address section 113(a)(8). First, it amends Appendix A to reference section 113(a)(8) to § 2A2.2.

Second, as a conforming change, it amends the Commentary to § 2A2.2 to provide that the term "aggravated assault" includes an assault involving strangulation, suffocation, or an attempt to strangle or suffocate.

Third, the proposed amendment adds a new specific offense characteristic to § 2A2.2. Two options are presented:

Option 1 provides an enhancement of [3] to [7] levels if the bodily injury enhancement in subsection (b)(3) does not apply and the offense involved strangling, suffocating, or attempting to strangle or suffocate.

Option 2 provides an enhancement of [3] to [7] levels if the offense involves strangling, suffocating, or attempting to strangle or suffocate. It brackets the possibility of limiting the cumulative impact of the bodily injury enhancement in subsection (b)(3) and this new enhancement to [10]–[12] levels. (Note that the guideline already contains a provision limiting the cumulative impact of subsections (b)(2) and (b)(3) to not more than 10 levels.)

In addition, the proposed amendment brackets the possibility of amending Appendix A to provide offenses under section 113(a)(8) with a reference to § 2A6.2 (Stalking or Domestic Violence). Section 2A6.2 has a 2-level enhancement that applies if the offense involved an aggravating factor such as bodily injury, and a 4-level enhancement that applies if the offense involved more than one such aggravating factor. The proposed amendment amends § 2A6.2 to provide that the enhancement also applies if the offense involved strangling, suffocating, or attempting to strangle or suffocate. Two options are presented:

Option 1 would establish strangling, suffocating, or attempting to strangle or suffocate as a separate new aggravating factor. Under this option, a case that involves this factor would receive the 2-level enhancement, and a case that involves both this factor and another factor (such as bodily injury) would receive the 4-level enhancement.

Option 2 would incorporate strangling, suffocating, or attempting to strangle or suffocate within the existing aggravating factor for bodily injury. Under this option, a case that involves both bodily injury and strangling or suffocating would receive the 2-level enhancement rather than a 4-level enhancement.

Following the proposed amendment are issues for comment on whether certain other changes to the guidelines are appropriate to respond to these and other changes to section 113.

Proposed Amendment

Section 2A2.2(b) is amended by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and by inserting after paragraph (3) the following new paragraph (4) (two options are provided):

[Option 1:

"(4) If (A) subdivision (3) does not apply; and (B) the offense involved assault by strangling, suffocating, or attempting to strangle or suffocate, increase by [3]–[7] levels."]

[Option 2:

"(4) If the offense involved assault by strangling, suffocating, or attempting to strangle or suffocate, increase by [3]–[7] levels. [However, the cumulative adjustments from application of subdivisions (3) and (4) shall not exceed [10]–[12] levels.]]".

The Commentary to § 2A2.2 captioned "Application Notes" is amended in Note 1 by striking "or" before "(C)"; by inserting after "(C)" the following: "strangling, suffocating, or attempting to strangle or suffocate; or (D)"; and by adding at the end the following new paragraph:

" 'Strangling' and 'suffocating' have the meaning given those terms in 18 U.S.C. § 113.";

and in Note 4 by striking "(b)(6)" and inserting "(b)(7)".

The Commentary to § 2A2.2 captioned "Background" is amended in the first paragraph by striking the comma after "serious bodily injury" and inserting a semicolon, and by striking the comma after "cause bodily injury" and inserting "; strangling, suffocating, or attempting to strangle or suffocate;";

and in the paragraph that begins "Subsection" by striking "(b)(6)" both places such term appears and inserting "(b)(7)".

Section 2A2.3 is amended as follows (two options are provided):

[Option 1:

Section 2A2.3(b)(1) is amended by inserting after "substantial bodily injury to" the following: "a spouse or intimate partner, a dating partner, or".

The Commentary to § 2A2.3 captioned "Application Notes" is amended in Note 1 by inserting after the paragraph that begins " 'Minor assault' means" the following new paragraph:

" 'Spouse,' 'intimate partner,' and 'dating partner' have the meaning given those terms in 18 U.S.C. § 2266."]

[Option 2:

Section 2A2.3(b)(1) is amended by striking "to an individual under the age of sixteen years".]

Section 2A6.2 is amended as follows (two options are provided):

[Option 1:

Section 2A6.2(b)(1) is amended by striking "(D)" and inserting "(E)"; by inserting after "(C)" the following: "strangling, suffocating, or attempting to strangle or suffocate; (D)"; and by striking "these aggravating factors" and inserting "subdivisions (A), (B), (C), (D), or (E)".

The Commentary to § 2A6.2 captioned "Application Notes" is amended in Note 1 by adding at the end the following new paragraph:

" 'Strangling' and 'suffocating' have the meaning given those terms in 18 U.S.C. § 113.";

and in Notes 3 and 4 by striking "(b)(1)(D)" each place such term appears and inserting "(b)(1)(E)".]

[Option 2:

Section 2A6.2(b)(1)(B) is amended by inserting after "bodily injury" the following: "or strangling, suffocating, or attempting to strangle or suffocate"; and by striking "these aggravating factors" and inserting "subdivisions (A), (B), (C), or (D)".

The Commentary to § 2A6.2 captioned "Application Notes" is amended in Note 1 by adding at the end the following new paragraph:

" 'Strangling' and 'suffocating' have the meaning given those terms in 18 U.S.C. § 113."]

Appendix A (Statutory Index) is amended in the line referenced to 18 U.S.C. § 113(a)(1) by adding ", 2A3.1" at the end;

in the line referenced to 18 U.S.C. § 113(a)(2) by adding ", 2A3.2, 2A3.3, 2A3.4" at the end;

after the line referenced to 18 U.S.C. § 113(a)(3) by inserting the following new line reference:

"18 U.S.C. § 113(a)(4) 2A2.3";

in the line referenced to 18 U.S.C. § 113(a)(7) by adding "[, 2A6.2]" at the end;

and after the line referenced to 18 U.S.C. § 113(a)(7) by inserting the following new line reference:

"18 U.S.C. § 113(a)(8) 2A2.2 [, 2A6.2]".

Issues for Comment:

1. *Offenses Involving Strangulation, Suffocation, or Attempting to Strangle or Suffocate Under Section 113(a)(8).* In light of the new offense at section 113(a)(8) made by the Act, a defendant who commits an assault of a spouse, intimate partner, or dating partner (as defined by the statute) by strangling, suffocating, or attempting to strangle or suffocate may be prosecuted under section 113 with a statutory maximum term of imprisonment of 10 years.

The Commission seeks comment on how, if at all, the guidelines should be amended to address cases involving strangling, suffocating, or attempting to strangle or suffocate. Are the existing provisions in the guidelines, such as the enhancements for bodily injury, adequate to address these cases? If not, how should the Commission amend the guidelines to address this factor?

In particular, should the Commission provide a new enhancement of [3]–[7] levels that applies if the offense involves strangling, suffocating, or attempting to strangle or suffocate? If so, how should such an enhancement interact with the existing enhancements, such as the weapon enhancement and the bodily injury enhancement? For example, should the new enhancement be cumulative with those enhancements, or should it interact with those enhancements in some other way, *e.g.*, by applying only if the bodily injury enhancement does not apply, or by establishing a "cap" of [10]–[12] levels on its cumulative impact with those enhancements?

In addition, should such a new enhancement apply only to cases described in the statute (*i.e.*, cases in which the victim was a spouse, intimate partner, or dating partner), or should it apply to any cases involving strangling, suffocating, or attempting to strangle or suffocate?

Finally, should the new offense be referenced in Appendix A (Statutory Index) to the aggravated assault guideline, to the domestic violence guideline, or to both guidelines? To the extent the offense is referenced to the domestic violence guideline, how, if it all, should that guideline be amended to address cases involving strangling, suffocating, or attempting to strangle or suffocate?

2. *Supervised Release.* The Commission seeks comment on the imposition of supervised release in cases involving domestic violence, *e.g.*, cases in which the defendant was convicted of an assault offense or a domestic violence or stalking offense. Section 5D1.1 (Imposition of a Term of Supervised Release) requires the court to impose a term of supervised release only when required by statute or when a sentence of imprisonment of more than one year is imposed. Should the Commission provide additional guidance on the imposition of supervised release (or on the length of a term of supervised release) in cases involving domestic violence? How, if at all, should the Commission amend the guidelines to address the imposition of supervised release in such cases?

3. *Assault With Intent to Commit Certain Sex Offenses Under Section 113(a)(1) and (2).* In light of the changes to section 113(a)(1) and (2) made by the Act, a defendant who commits an assault with intent to commit certain sex offenses may now be prosecuted under section 113.

The Commission invites comment on offenses involving an assault with intent to commit a sex offense (as described in section 113(a)(1) and (2)) and how the guidelines should address such offenses. In particular:

(A) To what extent should an assault with intent to commit a sex offense be treated by the guidelines as a type of assault, and to what extent as a type of attempted sex offense? For example, the proposed amendment would amend Appendix A (Statutory Index) to provide references to one or more sex offense guidelines. Should the Commission instead, or in addition, provide references to one or more assault guidelines?

To the extent offenses under section 113(a)(1) and (2) are referenced to one or more sex offense guidelines, what changes, if any, to those guidelines would be appropriate to account for offenses under section 113(a)(1) and (2)?

Likewise, to the extent offenses under section 113(a)(1) and (2) are referenced to one or more assault guidelines, what changes, if any, to those guidelines would be appropriate to account for offenses under section 113(a)(1) and (2)? For example, should the Commission provide a new enhancement of [2][4][6] levels to account for an assault with an intent to commit a sex offense, or should the Commission provide a cross reference to one or more sex offense guidelines, or both?

(B) There are a variety of provisions in the guidelines that apply when the conduct involves a sex offense or

attempted sex offense. To what extent should these provisions also apply when the conduct involves an assault with intent to commit a sex offense? How, if at all, should the Commission amend the guidelines to clarify whether or not these provisions apply when the conduct involves an assault with intent to commit a sex offense? For example:

(1) Under § 2A3.2 (Criminal Sexual Abuse of a Minor Under the Age of Sixteen Years (Statutory Rape) or Attempt to Commit Such Acts), if the offense involved criminal sexual abuse or attempt to commit criminal sexual abuse (as defined in section 2241 or 2242), a cross reference to § 2A3.1 applies. *See* § 2A3.2(c)(1). If the offense involved assault with intent to commit criminal sexual abuse, should the cross reference also apply?

Similar issues arise with the cross references in §§ 2A3.2(c)(2), 2A3.4(c)(1), 2G1.1(c)(1), and 2G1.3(c)(3). How, if at all, should they be revised?

(2) Under §§ 2A3.1 and 2A3.4 (Abusive Sexual Contact or Attempt to Commit Abusive Sexual Contact), if the offense involved "conduct described in" section 2241(a) or (b) or 2242, an enhancement or a higher base offense level applies. *See* §§ 2A3.1(b)(1), 2A3.4(a). Should these provisions similarly apply if the offense involved an assault with intent to commit a violation of section 2241(a) or (b) or 2242?

Similar issues arise with the enhancements in § 2G2.1(b)(2)(A) and (B) and the accompanying commentary. How, if at all, should they be revised?

(3) Under § 2A4.1 (Kidnapping, Abduction, Unlawful Restraint), if the victim was "sexually exploited," an enhancement of 6 levels applies. *See* § 2A4.1(b)(5). Application Note 3 defines "sexually exploited" to include "offenses set forth in" sections 2241–2244, 2251, and 2421–2423. If the offense involved assault with intent to commit a sex offense under sections 2241–2244, should an enhancement of [6] levels also apply?

Similar issues arise with the enhancements at §§ 2G2.2(b)(1), (3), and (5) and 2G2.6(b)(3), and the accompanying commentary. How, if at all, should they be revised?

(4) Under § 2J1.2(b)(1)(A), an enhancement applies if (among other things) the defendant was convicted under 18 U.S.C. § 1001 and the statutory maximum term of eight years' imprisonment applies because "the matter relates to" a sex offense under chapter 109A. If the matter relates to an assault with intent to commit such a sex offense, should this enhancement apply?

(5) Under § 4B1.5, certain provisions apply if the instant offense of conviction is a "covered sex crime." That term is defined in Application Note 2 to include (among other things) an offense, perpetrated against a minor, under chapter 109A. If the offense involved an assault with intent to commit such an offense, should the definition of "covered sex crime" apply?

(6) Under § 5D1.2(b), certain provisions apply if the offense is a "sex offense." That term is defined in Application Note 1 to include (among other things) an offense, perpetrated against a minor, under chapter 109A. If the offense involved an assault with intent to commit such an offense, should the definition of "sex offense" apply?

Similar issues are presented in §§ 5H1.6, 5K2.0(a)(1)(B) and (b), 5K2.13, 5K2.20(a), and 5K2.22. How, if at all, should these provisions be revised?

(B) 18 U.S.C. § 1153 (Offenses Committed Within Indian country) ("Major Crimes Act")

Synopsis of Proposed Amendment: This part of the proposed amendment addresses changes to 18 U.S.C. § 1153 (Offenses committed within Indian country), commonly referred to as the Major Crimes Act. The Act contains a list of offenses and specifies that any Indian who commits against the person or property of another Indian or other person any of the listed offenses shall be subject to the same law and penalties as all other persons committing any of those offenses, within the exclusive jurisdiction of the United States.

Before enactment of the Act, the list of offenses in section 1153 included only four categories of assault: assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, and assault against an individual who has not attained the age of 16 years. The Act expanded the list of assault offenses to include any felony assault under section 113.

Offenses under section 1153 are referenced in Appendix A to 17 guidelines to account for the various listed offenses. These 17 guidelines include references to the three different guidelines (§§ 2A2.1, 2A2.2, and 2A2.3) to which felony assaults under section 113 are currently referenced.

Part A, above, would provide certain additional Appendix A references for offenses under section 113, including one possible reference not currently included among the 17 references for section 1153 C a reference to § 2A6.2. This part of the proposed amendment would similarly revise the Appendix A references for offenses under section 1153 by including the bracketed possibility of a reference to § 2A6.2.

An issue for comment is also included on 18 U.S.C. § 1152, commonly known as the General Crimes Act, and whether the Appendix A reference to § 2B1.5 is appropriate.

Proposed Amendment

Appendix A (Statutory Index) is amended in the line referenced to 18 U.S.C. § 1153 by inserting after § 2A4.1," the following: "[2A6.2,]".

Issue for Comment

1. The Commission seeks comment on offenses under 18 U.S.C. § 1152, commonly known as the General Crimes Act. Section 1152 generally provides that the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States shall extend to the Indian country.

Section 1152 is referenced in Appendix A (Statutory Index) to a single guideline, § 2B1.5 (Theft of, Damage to, or Destruction of, Cultural Heritage Resources or Paleontological Resources; Unlawful Sale, Purchase, Exchange, Transportation, or Receipt of Cultural Heritage Resources or Paleontological Resources).

The Commission seeks comment on what, if any, Appendix A references are appropriate for offenses under section 1152. Is the reference to § 2B1.5 appropriate? Should the Commission provide additional Appendix A references for section 1152 and, if so, to which guidelines? In the alternative, are Appendix A references unnecessary for section 1152 and, if so, should the Commission delete section 1152 from Appendix A?

(C) 18 U.S.C. §§ 2261, 2261A, 2262 (Domestic Violence and Stalking)

Synopsis of Proposed Amendment: This part of the proposed amendment addresses statutory changes to 18 U.S.C. §§ 2261 (Interstate domestic violence), 2261A (Stalking), and 2262 (Interstate violation of protection order). Statutory changes to these provisions were made by Public Law 109B162 in 2006 and were expanded and restated by Section 107 of the Act. The proposed amendment amends the Commentary to § 2A6.2 to reflect these statutory changes.

Before these statutory changes, these offenses generally required as a jurisdictional element of the offense that the defendant travel in interstate or foreign commerce or into or out of Indian country or within the special

maritime and territorial jurisdiction of the United States or, in the case of a stalking offense under section 2261A(2), that the defendant use the mail or any facility of interstate or foreign commerce. As a result of the statutory changes, the jurisdictional element may instead be met by presence in the special maritime and territorial jurisdiction of the United States or, in the case of a stalking offense under section 2261A(2), by using an interactive computer service, electronic communication service, or electronic communication system. The proposed amendment revises the definition of "stalking" in the Commentary to § 2A6.2 to conform to these statutory changes.

These statutory changes have also expanded and restated the elements of stalking offenses under section 2261A to cover a broader range of conduct. As a result of these statutory changes, section 2261A has been extended to cover placing a person under surveillance with intent to kill, injure, harass, or intimidate; and conduct that causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress. The proposed amendment expands the definition of "stalking" in the Commentary to § 2A6.2 to reflect the expanded conduct covered by these statutory changes to section 2261A.

Proposed Amendment

The Commentary to § 2A6.2 captioned "Application Notes" is amended in Note 1 by striking the paragraph that begins "'Stalking' means" and inserting the following new paragraph:

"'Stalking' means conduct described in 18 U.S.C. § 2261A."

(D) 8 U.S.C. § 1375a(d) (Regulation of International Marriage Brokers)

Synopsis of Proposed Amendment: This part of the proposed amendment addresses statutory changes made by the Act to 8 U.S.C. § 1375a (Domestic violence information and resources for immigrants and regulation of international marriage brokers).

The Act revised and strengthened the regulation of international marriage brokers. Among other things, such marriage brokers are required to collect certain information about the United States client and are restricted from disclosing certain information about children and foreign national clients. A broker who knowingly violates or attempts to violate these provisions is subject to a maximum term of imprisonment of five years. *See* section 1375a(d)(5)(B)(i)(II). If the violation is not a knowing violation, the maximum term of imprisonment is one year. *See* section 1375a(d)(5)(B)(i)(I).

The Act also contains two other criminal provisions. First, a person who misuses information obtained by an international marriage broker is subject to a maximum term of imprisonment of one year. *See* section 1375a(d)(5)(B)(ii). Second, a person who knowingly and with intent to defraud another person outside the United States in order to recruit, solicit, entice, or induce that other person into entering a dating or matrimonial relationship, makes false or fraudulent representations regarding the background information required to be provided to an international marriage broker is subject to a maximum term of imprisonment of one year. *See* section 1375a(d)(5)(B)(iii).

Before enactment of the Act, criminal provisions in section 1375a were set forth in subsection (d)(3)(C) and in subsection (d)(5)(B). These criminal provisions are referenced in Appendix A (Statutory Index) to § 2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information). The Act revised and reorganized these criminal provisions such that all criminal provisions are set forth in subsection (d)(5)(B), as described above.

The proposed amendment responds to these changes by revising the Appendix A references for offenses under section 1375a(d). The reference for subsection (d)(3)(C) is deleted as obsolete. Offenses under subsection (d)(5)(B)(i) and (ii) continue to be referenced to § 2H3.1. Offenses under subsection (d)(5)(B)(iii) are referenced to § 2B1.1 (Theft, Property Destruction, and Fraud).

Proposed Amendment

Appendix A (Statutory Index) is amended by striking the line referenced to 8 U.S.C. § 1375a(d)(3)(C), (d)(5)(B) and inserting the following new line references:

"8 U.S.C. § 1375a(d)(5)(B)(i)	2H3.1
8 U.S.C. § 1375a(d)(5)(B)(ii)	2H3.1
8 U.S.C. § 1375a(d)(5)(B)(iii)	2B1.1".

(E) 47 U.S.C. § 223 (Obscene or Harassing Telephone Calls)

Synopsis of Proposed Amendment: This part of the proposed amendment addresses offenses under 47 U.S.C. § 223 (Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications), which were modified by the Act.

Section 223(a) sets forth a range of prohibited acts involving communication that is obscene or that is made with intent to harass, or both. A person who commits any of these acts is subject to a maximum term of imprisonment of two years. Among other things, the Act clarified that communication with the intent to annoy is not prohibited by section 223(a). Three of the prohibited acts in section 223(a) are referenced in Appendix A (Statutory Index) to § 2A6.1 (Threatening or Harassing Communications; Hoaxes; False Liens).

Other prohibited acts in section 223(a) are not referenced in Appendix A. The proposed amendment provides Appendix A references for these offenses.

Subsection (a)(1)(A) prohibits a communication that is obscene or child pornography, with intent to abuse, threaten, or harass another person. The proposed amendment references this offense to any one or more of three bracketed options:

§ 2A6.1 (Threatening or Harassing Communications; Hoaxes; False Liens);

§ 2G2.2 (Trafficking in Material Involving the Sexual Exploitation of a Minor; Receiving, Transporting, Shipping, Soliciting, or Advertising Material Involving the Sexual Exploitation of a Minor; Possessing Material Involving the Sexual Exploitation of a Minor with Intent to Traffic; Possessing Material Involving the Sexual Exploitation of a Minor); and

§ 2G3.1 (Importing, Mailing, or Transporting Obscene Matter; Transferring Obscene Matter to a Minor; Misleading Domain Names).

Subsection (a)(1)(B) prohibits a communication that is obscene or child pornography, knowing that the recipient of the communication is under 18 years of age. The proposed amendment references this offense to either or both of two bracketed options: §§ 2G2.2 and 2G3.1.

Subsection (a)(2) prohibits a person from knowingly permitting a telecommunications facility under his control to be used for any activity covered by subsection (a)(1). The proposed amendment references this offense to any one or more of three bracketed options: §§ 2A6.1, 2G2.2, and 2G3.1.

Proposed Amendment

Appendix A (Statutory Index) is amended by inserting before the line referenced to 47 U.S.C. § 223(a)(1)(C) the following new line references:

"47 U.S.C. § 223(a)(1)(A).	[2A6.1][2G2.2][2G3.1]
47 U.S.C. § 223(a)(1)(B).	[2G2.2][2G3.1]";

and by inserting after the line referenced to 47 U.S.C. § 223(a)(1)(E) the following new line reference:

"47 U.S.C. § 223(a)(2).	[2A6.1][2G2.2][2G3.1]".

(F) 18 U.S.C. § 2423 (Transportation of Minors)

Synopsis of Proposed Amendment: This part of the proposed amendment addresses offenses under 18 U.S.C. § 2423 (Transportation of minors), which were modified by the Act.

Section 2423 contains four offenses, each of which prohibit sexual conduct with minors.

Subsection (a) prohibits transporting a minor with intent that the minor engage in prostitution or criminal sexual activity. It provides a mandatory minimum term of imprisonment of 10 years and maximum of life. It is referenced in Appendix A (Statutory Index) to § 2G1.3 (Promoting a Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Transportation of Minors to Engage in a Commercial Sex Act or Prohibited Sexual Conduct; Travel to Engage in Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Sex Trafficking of Children; Use of Interstate Facilities to Transport Information about a Minor).

Subsection (b) prohibits traveling in interstate or foreign commerce for the purpose of "illicit sexual conduct," which is defined in subsection (f) to mean a criminal sexual act with a minor. It provides a statutory maximum term of imprisonment of 30 years. It is referenced in Appendix A to § 2G1.3.

Subsection (c) prohibits traveling in foreign commerce and engaging in "illicit sexual conduct". The Act expanded this provision to also cover residing in a foreign country and engaging in "illicit sexual conduct". It provides a statutory maximum term of imprisonment of 30 years. It is not referenced in Appendix A. The proposed amendment would amend Appendix A to reference section 2423(c) to § 2G1.3.

Subsection (d) prohibits any person from, for the purpose of commercial advantage or private financial gain, arranging, inducing, procuring, or facilitating the travel of a person for "illicit sexual conduct". It provides a statutory maximum term of imprisonment of 30 years. It is not referenced in Appendix A. The proposed amendment would amend Appendix A to reference section 2423(d) to § 2G1.3.

Proposed Amendment

Appendix A (Statutory Index) is amended by inserting after the line referenced to 18 U.S.C. § 2423(b) the following new line references:

"18 U.S.C. § 2423(c) 2G1.3
18 U.S.C. § 2423(d) 2G1.3".

(G) 18 U.S.C. § 1597 (Unlawful Conduct With Respect to Immigration Documents)

Synopsis of Proposed Amendment: This part of the proposed amendment responds to the new Class A misdemeanor established by the Act in Chapter 77 (Peonage, Slavery, and Trafficking in Persons) of title 18. This new offense, at 18 U.S.C. § 1597(a), makes it unlawful for any person to knowingly destroy, conceal, remove, confiscate, or possess, an actual or purported passport or other immigration document of another individual—

(1) in the course of violating 18 U.S.C. § 1351 (Fraud in foreign labor contracting) or 8 U.S.C. § 1324 (Bringing in and harboring certain aliens);

(2) with intent to violate 18 U.S.C. § 1351 or 8 U.S.C. § 1324; or

(3) in order to, without lawful authority, maintain, prevent, or restrict the labor or services of the individual.

In addition, section 1597(c) prohibits knowingly obstructing, attempting to obstruct, or in any way interfering with or preventing the enforcement of this section. Section 1597 provides a statutory maximum term of imprisonment of one year.

The proposed amendment references this offense to any one or more of four bracketed options:

§ 2B1.1 (Theft, Property Destruction, and Fraud);

§ 2H4.1 (Peonage, Involuntary Servitude, Slave Trade, and Child Soldiers);

§ 2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien); and

§ 2L2.2 (Fraudulently Acquiring Documents Relating to Naturalization, Citizenship, or Legal Resident Status for Own Use; False Personation or Fraudulent Marriage by Alien to Evade Immigration Law; Fraudulently Acquiring or Improperly Using a United States Passport).

An issue for comment is also included.

Proposed Amendment

Appendix A (Statutory Index) is amended by inserting after the line referenced to 18 U.S.C. § 1593A the following new line reference:

"18 U.S.C. § 1597 [2B1.1] [2H4.1][2L1.1][2L2.2]".

Issue for Comment

1. The Commission seeks comment on offenses under section 1597. What guideline or guidelines are appropriate for these offenses? Which, if any, of the bracketed options in the proposed amendment should the Commission provide? Should the Commission instead provide for such offenses to be sentenced under § 2X5.2 (Class A Misdemeanors (Not Covered by Another Specific Offense Guideline))?

To the extent the Commission does provide a reference to one or more guidelines, what changes, if any, to those guidelines would be appropriate to account for offenses under section 1597? For example, to the extent such offenses are referenced to § 2H4.1, should the Commission provide a new alternative base offense level for offenses under section 1597 to account for the fact that such offenses are Class A misdemeanors? What alternative base offense level would be appropriate?

3. Drugs

Synopsis of Proposed Amendment: In August 2013, the Commission indicated that one of its policy priorities would be "[r]eview, and possible amendment, of guidelines applicable to drug offenses, including possible consideration of amending the Drug Quantity Table in § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) across drug types". *See* 78 FR 51820 (August 21, 2013). The Commission is publishing this proposed amendment and issue for comment to inform the Commission's consideration of these issues.

The proposed amendment contains three parts. Part A contains a detailed request for comment on whether any changes should be made to the Drug Quantity Table across drug types, including whether any other changes may be appropriate. Part B contains a proposed amendment that illustrates one possible set of changes to the Drug Quantity Table (together with conforming changes to the chemical quantity tables and certain clerical changes). Part C contains an issue for comment on whether the guidelines adequately address the environmental and other harms of drug production operations (including, in particular, the cultivation of marihuana) on public lands or while trespassing on private property.

(A) Request for Public Comment on Whether Any Changes Should Be Made to the Drug Quantity Table Across Drug Types, and Other Possible Changes

Issue for Comment

1. The Commission is requesting comment on whether any changes should be made to the Drug Quantity Table across drug types.

Penalty Structure of Federal Drug Laws. The penalty structure of the Drug

Quantity Table is based on the penalty structure of federal drug laws for most major drug types. That penalty structure generally establishes several tiers of penalties for manufacturing and trafficking in controlled substances, each based on the amount of controlled substances involved. *See generally* 21 U.S.C. § 841(b)(1)(A), (B), (C), 960(b)(1), (2), (3).

Generally, for smaller quantities of drugs, the statutory maximum term of imprisonment is 20 years. *See* 21 U.S.C. § 841(b)(1)(C). For quantities of marihuana less than 50 kilograms, the statutory maximum term of imprisonment is 5 years. *See* 21 U.S.C. § 841(b)(1)(D). If certain aggravating factors are present (*e.g.*, if the defendant had a prior conviction for a felony drug offense, *see* 21 U.S.C. § 841(b)(1)(C), (D), or if death or serious bodily injury results from the use of the substance, *see* 21 U.S.C. § 841(b)(1)(C)), higher statutory penalties apply.

If the amount of the controlled substance reaches a statutorily specified quantity, the statutory maximum term increases to 40 years, and a statutory minimum term of 5 years applies. *See* 21 U.S.C. § 841(b)(1)(B). If the amount of the controlled substance reaches ten times that specified quantity, the statutory maximum term is life, and a statutory minimum term of 10 years applies. *See* 21 U.S.C. § 841(b)(1)(A). If certain aggravating factors are present (*e.g.*, if the defendant had one or more prior convictions for a felony drug offense, or if death or serious bodily injury results from the use of the substance), higher statutory penalties apply. *See* 21 U.S.C. § 841(b)(1)(A), (B).

Framework of the Federal Sentencing Guidelines. The Sentencing Reform Act of 1984 established the Commission's organic statute and provided that the Commission, "consistent with all pertinent provisions of any Federal statute," shall promulgate guidelines and policy statements. *See* 28 U.S.C. § 994(a). It also provided that the Commission shall establish a sentencing range "for each category of offense involving each category of defendant". *See* 28 U.S.C. § 994(b)(1). Each sentencing range must be "consistent with all pertinent provisions of title 18, United States Code". *See* 28 U.S.C. § 994(b)(1). Where the guidelines call for imprisonment, the maximum of the range cannot exceed the minimum by more than the greater of 25 percent or six months. *See* 28 U.S.C. § 994(b)(2).

In addition, the Commission's organic statute contains a variety of directives to the Commission in promulgating the sentencing guidelines. Among other things, the Commission must ensure that the sentencing guidelines are "formulated to minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons." *See* 28 U.S.C. § 994(g). Thus, "[p]ursuant to 28 U.S.C. § 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority." *See* 78 FR 51820 (August 21, 2013).

Incorporation of Statutory Penalties into Drug Quantity Table. The Commission has incorporated into the Drug Quantity Table the penalty structure of federal drug laws and the relevant statutory mandatory minimum sentences and has extrapolated upward and downward to set guideline sentencing ranges for all drug quantities. *See* § 2D1.1, comment. (backg'd.) ("The base offense levels in § 2D1.1 are either provided directly by the Anti-Drug Abuse Act of 1986 or are proportional to the levels established by statute, and apply to all unlawful trafficking."). By extrapolating upward and downward, the guidelines avoid sharp differentials or "sentencing cliffs" based upon small differences in drug quantities.

The drug quantity thresholds in the Drug Quantity Table have generally been set so that the drug quantity that triggers a statutory mandatory minimum penalty also triggers a base offense level that corresponds (at Criminal History Category I) to a guideline range slightly above the statutory mandatory minimum penalty. Thus, the quantity that triggers a statutory 5-year mandatory minimum term of imprisonment also triggers a base offense level of 26 (corresponding to a guideline range of 63 to 78 months), and the quantity that triggers a statutory 10-year mandatory minimum term of imprisonment also triggers a base offense level of 32 (corresponding to a guideline range of 121 to 151 months). *See* § 2D1.1, comment. (backg'd.) ("The base offense levels at levels 26 and 32 establish guideline ranges with a lower limit as close to the statutory minimum as possible; *e.g.*, level 32 ranges from 121 to 151 months, where the statutory minimum is ten years or 120 months."). The Commission has stated that "[t]he base offense levels are set at guideline ranges slightly higher than the mandatory minimum levels to permit some downward adjustment for defendants who plead guilty or otherwise cooperate with authorities." *See* United States Sentencing Commission, *Special Report to Congress: Cocaine and Federal Sentencing Policy* (February 1995) at 148.

A minimum offense level of 6 and a maximum offense level of 38 are incorporated into the Drug Quantity Table across all drug types. In addition, certain higher minimum offense levels are incorporated into the Drug Quantity Table for particular drug types, *e.g.*, a minimum offense level of 12 applies if the offense involved any quantity of certain Schedule I or II controlled substances. *See, e.g.*, § 2D1.1(c)(14); § 2D1.1, comment. (n.8(D)) ("*Provided,* that the minimum offense level from the Drug Quantity Table for any of these controlled substances individually, or in combination with another controlled substance, is level 12."). Similarly, certain maximum offense levels and associated drug quantity "caps" are incorporated into the Drug Quantity Table for particular drug types, *e.g.*, a maximum offense level of 8 and a combined equivalent weight "cap" of 999 grams of marihuana apply if the offense involved any quantity of Schedule V substances. *See, e.g.*, § 2D1.1(c)(16); § 2D1.1, comment. (n.8(D)) ("*Provided,* that the combined equivalent weight of Schedule V substances shall not exceed 999 grams of marihuana.").

Guideline Developments. Since the initial selection of offense levels 26 and 32, the guidelines have been amended many times — often in response to congressional directives — to provide greater emphasis on the defendant's conduct and role in the offense rather than drug quantity. The version of § 2D1.1 in the original 1987 *Guidelines Manual* contained a single specific offense characteristic: a 2-level enhancement if a firearm or other dangerous weapon was possessed. The version of § 2D1.1 now in effect contains fourteen enhancements and three downward adjustments (including the "mitigating role cap" provided in subsection (a)(5)), with four enhancements and one downward adjustment added effective November 1, 2010, in response to the emergency directive in the Fair Sentencing Act of 2010, Public Law 111–220.

The "Safety Valve". Also since the initial selection of offense levels 26 and 32, Congress has enacted the "safety valve," which applies to certain non-violent drug defendants and allows the court, without any government motion, to impose a sentence below a statutory mandatory minimum penalty if the court finds, among other things, that the defendant "has truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan". *See* 18 U.S.C.

§ 3553(f). This statutory provision was established by Congress in 1994 and is incorporated into the guidelines at USSG § 5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases). In addition, § 2D1.1(b)(16) provides a 2-level reduction in the defendant's offense level if the defendant meets the "safety valve" criteria, regardless of whether a mandatory minimum penalty applies in the case. In the case of a defendant for whom the statutorily required minimum sentence is at least five years, the guidelines provide an offense level of not less than 17. *See* § 5G1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases).

Because the "safety valve" was established after the initial selection of levels 26 and 32, its effect on plea rates and cooperation could not have been foreseen at that time. Commission data indicate that defendants charged with a mandatory minimum penalty are more likely to plead guilty if they qualify for the "safety valve" than if they do not. Specifically, in fiscal year 2012, drug trafficking defendants charged with a mandatory minimum penalty had a plea rate of 99.6 percent if they qualified for the "safety valve" and a plea rate of 93.9 percent if they did not.

Crack Cocaine Cases After the 2007 Amendment. In 2007, the Commission amended the Drug Quantity Table for cocaine base ("crack" cocaine) so that the quantities that trigger mandatory minimum penalties also trigger base offense levels 24 and 30, rather than 26 and 32. *See* USSG App. C, Amendment 706 (effective November 1, 2007). At base offense level 24, the guideline range for a defendant in Criminal History Category I is 51 to 63 months, which includes the corresponding mandatory minimum penalty of 5 years (60 months); at base offense level 30, the guideline range for such a defendant is 97 to 121 months, which includes the corresponding mandatory minimum penalty of 10 years (120 months). In 2010, in implementing the emergency directive in section 8 of the Fair Sentencing Act of 2010, the Commission moved crack cocaine offenses back to a guideline penalty structure based on levels 26 and 32.

During the period when crack cocaine offenses had a guideline penalty structure based on levels 24 and 30, the overall rates at which crack cocaine defendants pled guilty remained stable. Specifically, in the fiscal year before the 2007 amendment took effect, the plea rate for crack cocaine defendants was 93.1 percent. In the two fiscal years after the 2007 amendment took effect, the plea rates for such defendants were 95.2 percent and 94.0 percent, respectively.

For those same fiscal years, the overall rates at which crack cocaine defendants received substantial assistance departures under § 5K1.1 (Substantial Assistance to Authorities) were 27.8 percent in the fiscal year before the 2007 amendment took effect and 25.3 percent and 25.6 percent in the two fiscal years after the 2007 amendment took effect.

In light of this information, the Commission seeks comment on whether the Commission should consider changing how the base offense levels in the Drug Quantity Table incorporate the statutory mandatory minimum penalties and, if so, how? For example, should the Commission amend the Drug Quantity Table across drug types so that the quantities that trigger the statutory mandatory minimum penalties trigger base offense levels 24 and 30, rather than 26 and 32?

If the Commission were to amend the Drug Quantity Table across drug types, are there any circumstances that should be wholly or partially excluded from such an amendment? If so, what circumstances? For example, if the Commission were to determine that a guideline penalty structure based on levels 24 and 30, rather than based on levels 26 and 32, is appropriate, should any existing specific offense characteristics be increased, or any new specific offense characteristics be promulgated, to offset any such change for certain offenders?

If the Commission were to make changes to the guidelines applicable to drug trafficking cases, what conforming changes, if any, should the Commission make to other provisions of the *Guidelines Manual*?

(B) Proposed Amendment

Synopsis of Proposed Amendment: This proposed amendment changes how the base offense levels in the Drug Quantity Table incorporate the statutory mandatory minimum penalties. Specifically, it amends the table so that the quantities that trigger the statutory mandatory minimum penalties trigger base offense levels 24 and 30, rather than 26 and 32. As described more fully in Part A, above, setting base offense levels at levels 24 and 30 establishes guideline ranges with a lower limit below, and an upper limit above, the statutory minimum; *e.g.*, level 30 corresponds (at Criminal History Category I) to a guideline range of 97 to 121 months, where the statutory minimum term is ten years or 120 months.

Under the proposed amendment, § 2D1.1 would continue to reflect the minimum offense level of 6 and the maximum offense level of 38 that are incorporated into the Drug Quantity Table across all drug types. It also would continue to reflect the minimum offense levels that are incorporated into the Drug Quantity Table for particular drug types, *e.g.*, the minimum offense level of 12 that applies if the offense involved any quantity of certain Schedule I or II controlled substances. *See, e.g.*, § 2D1.1(c)(14); § 2D1.1, comment. (n.8(D)) ("*Provided,* that the minimum offense level from the Drug Quantity Table for any of these controlled substances individually, or in combination with another controlled substance, is level 12."). Similarly, it would continue to reflect the maximum offense levels and associated drug quantity "caps" that are incorporated into the Drug Quantity Table for particular drug types, *e.g.*, the maximum offense level of 8 and the combined equivalent weight "cap" of 999 grams of marihuana that apply if the offense involved any quantity of Schedule V substances. *See, e.g.*, § 2D1.1(c)(16); § 2D1.1, comment. (n.8(D)) ("*Provided,* that the combined equivalent weight of Schedule V substances shall not exceed 999 grams of marihuana.").

In the proposed amendment the various minimum and maximum offense levels and drug quantity "caps" are associated with new drug quantities, determined by extrapolating upward or downward as appropriate.

The proposed amendment makes parallel changes to the quantity tables in § 2D1.11, which apply to offenses involving the chemical precursors of controlled substances. Section 2D1.11 is generally structured to provide base offense levels that are tied to, but less severe than, the base offense levels in § 2D1.1 for offenses involving the final product.

Finally, the proposed amendment makes certain clerical and conforming changes to reflect the changes to the quantity tables.

Proposed Amendment

Section 2D1.1(c) is amended by striking paragraph (17); by redesignating paragraphs (1) through (16) as paragraphs (2) through (17), respectively; and by inserting before paragraph (2) (as so redesignated) the following new paragraph (1):

Level 38

"(1) • [90] KG or more of Heroin;
• [450] KG or more of Cocaine;
• [25.2] KG or more of Cocaine Base;

• [90] KG or more of PCP, or [9] KG or more of PCP (actual);
• [45] KG or more of Methamphetamine, or
[4.5] KG or more of Methamphetamine (actual), or
[4.5] KG or more of 'Ice';
• [45] KG or more of Amphetamine, or
[4.5] KG or more of Amphetamine (actual);
• [900] G or more of LSD;
• [36] KG or more of Fentanyl;
• [9] KG or more of a Fentanyl Analogue;
• [90,000] KG or more of Marihuana;
• [18,000] KG or more of Hashish;
• [1,800] KG or more of Hashish Oil;
• [90,000,000] units or more of Ketamine;
• [90,000,000] units or more of Schedule I or II Depressants;
• [5,625,000] units or more of Flunitrazepam.".

Section 2D1.1(c)(2) (as so redesignated) is amended to read as follows:

Level 36

"(2) • At least 30 KG but less than [90] KG of Heroin;
• At least 150 KG but less than [450] KG of Cocaine;
• At least 8.4 KG but less than [25.2] KG of Cocaine Base;
• At least 30 KG but less than [90] KG of PCP, or at least 3 KG but less than [9] KG of PCP (actual);
• At least 15 KG but less than [45] KG of Methamphetamine, or
at least 1.5 KG but less than [4.5] KG of Methamphetamine (actual), or
at least 1.5 KG but less than [4.5] KG of 'Ice';
• At least 15 KG but less than [45] KG of Amphetamine, or
at least 1.5 KG but less than [4.5] KG of Amphetamine (actual);
• At least 300 G but less than [900] G of LSD;
• At least 12 KG but less than [36] KG of Fentanyl;
• At least 3 KG but less than [9] KG of a Fentanyl Analogue;
• At least 30,000 KG but less than [90,000] KG of Marihuana;
• At least 6,000 KG but less than [18,000] KG of Hashish;
• At least 600 KG but less than [1,800] KG of Hashish Oil;
• At least 30,000,000 units but less than [90,000,000] units of Ketamine;
• At least 30,000,000 units but less than [90,000,000] units of Schedule I or II Depressants;
• At least 1,875,000 units but less than [5,625,000 units] of Flunitrazepam.".

Section 2D1.1(c)(3) (as so redesignated) is amended by striking "Level 36" and inserting "Level 34".

Section 2D1.1(c)(4) (as so redesignated) is amended by striking "Level 34" and inserting "Level 32".

Section 2D1.1(c)(5) (as so redesignated) is amended by striking "Level 32" and inserting "Level 30"; and by inserting before the line referenced to Flunitrazepam the following:

"• 1,000,000 units or more of Schedule III Hydrocodone;".

Section 2D1.1(c)(6) (as so redesignated) is amended by striking "Level 30" and inserting "Level 28"; and in the line referenced to Schedule III Hydrocode by striking "700,000 or more" and inserting "At least 700,000 but less than 1,000,000".

Section 2D1.1(c)(7) (as so redesignated) is amended by striking "Level 28" and inserting "Level 26".

Section 2D1.1(c)(8) (as so redesignated) is amended by striking "Level 26" and inserting "Level 24".

Section 2D1.1(c)(9) (as so redesignated) is amended by striking "Level 24" and inserting "Level 22".

Section 2D1.1(c)(10) (as so redesignated) is amended by striking "Level 22" and inserting "Level 20"; and by inserting before the line referenced to Flunitrazepam the following:

"• 60,000 units or more of Schedule III substances (except Ketamine or Hydrocodone);".

Section 2D1.1(c)(11) (as so redesignated) is amended by striking "Level 20" and inserting "Level 18"; and in the line referenced to Schedule III substances (except Ketamine or Hydrocodone) by striking "40,000 or more" and inserting "At least 40,000 but less than 60,000".

Section 2D1.1(c)(12) (as so redesignated) is amended by striking "Level 18" and inserting "Level 16".

Section 2D1.1(c)(13) (as so redesignated) is amended by striking "Level 16" and inserting "Level 14".

Section 2D1.1(c)(14) (as so redesignated) is amended by striking "Level 14" and inserting "Level 12"; by striking the line referenced to Heroin and all that follows through the line referenced to Fentanyl Analogue and inserting the following:

"• Less than 10 G of Heroin;
• Less than 50 G of Cocaine;
• Less than 2.8 G of Cocaine Base;
• Less than 10 G of PCP, or
less than 1 G of PCP (actual);
• Less than 5 G of Methamphetamine, or
less than 500 MG of Methamphetamine (actual),
or less than 500 MG of 'Ice';
• Less than 5 G of Amphetamine, or
less than 500 MG of Amphetamine (actual);
• Less than 100 MG of LSD;
• Less than 4 G of Fentanyl;
• Less than 1 G of a Fentanyl Analogue;";

by striking the period at the end and inserting a semicolon; and by adding at the end the following:

"• 80,000 units or more of Schedule IV substances (except Flunitrazepam).".

Section 2D1.1(c)(15) (as so redesignated) is amended by striking "Level 12" and inserting "Level 10"; by striking the line referenced to Heroin and all that follows through the line referenced to Fentanyl Analogue; and in the line referenced to Schedule IV substances (except Flunitrazepam) by striking "40,000 or more" and inserting "At least 40,000 but less than 80,000".

Section 2D1.1(c)(16) (as so redesignated) is amended by striking "Level 10" and inserting "Level 8"; by striking "At least 62 but less" and inserting "Less"; by striking the period at the end and inserting a semicolon; and by adding at the end the following:

"• 160,000 units or more of Schedule V substances.".

Section 2D1.1(c)(17) (as so redesignated) is amended to read as follows:

Level 6

"(17) • Less than 1 KG of Marihuana;
• Less than 200 G of Hashish;
• Less than 20 G of Hashish Oil;
• Less than 1,000 units of Ketamine;
• Less than 1,000 units of Schedule I or II Depressants;
• Less than 1,000 units of Schedule III Hydrocodone;
• Less than 1,000 units of Schedule III substances (except Ketamine or Hydrocodone);
• Less than 16,000 units of Schedule IV substances (except Flunitrazepam);
• Less than 160,000 units of Schedule V substances.".

The Commentary to § 2D1.1 captioned "Application Notes" is amended in Note 8(A) by striking "28" and inserting "26";

in Note 8(B) by striking "999 grams" and inserting "2.49 kilograms";

in Note 8(C)(i) by striking "22" and inserting "20", by striking "18" and inserting "16", and by striking "24" and inserting "22";

in Note 8(C)(ii) by striking "8" both places such term appears and inserting "6", and by striking "10" and inserting "8";

in Note 8(C)(iii) by striking "16" and inserting "14", by striking "14" and inserting "12", and by striking "18" and inserting "16";

in Note 8(C)(iv) by striking "56,000" and inserting "76,000", by striking

"100,000" and inserting "200,000", by striking "200,000" and inserting "600,000", by striking "56" and inserting "76", by striking "59.99" and inserting "79.99", by striking "4.99" and inserting "9.99", by striking "6.25" and inserting "12.5", by striking "999 grams" and inserting "2.49 kilograms", by striking "1.25" and inserting "3.75", by striking "59.99" and inserting "79.99", and by striking "61.99 (56 + 4.99 + .999)" and inserting "88.48 (76 + 9.99 + 2.49)";

in Note 8(D), under the heading relating to Schedule III Substances (except ketamine and hydrocodone), by striking "59.99" and inserting "79.99"; under the heading relating to Schedule III Hydrocodone, by striking "999.99" and inserting "2,999.99"; under the heading relating to Schedule IV Substances (except flunitrazepam) by striking "4.99" and inserting "9.99"; and under the heading relating to Schedule V Substances by striking "999 grams" and inserting "2.49 kilograms".

The Commentary to § 2D1.1 captioned "Background" is amended in the paragraph that begins "The base offense levels in § 2D1.1" by striking "32 and 26" and inserting "30 and 24"; and by striking the paragraph that begins "The base offense levels at levels 26 and 32" and inserting the following new paragraph:

"The base offense levels at levels 24 and 30 establish guideline ranges such that the statutory minimum falls within the range; *e.g.*, level 30 ranges from 97 to 121 months, where the statutory minimum term is ten years or 120 months.".

The Commentary to § 2D1.2 captioned "Application Note" is amended in Note 1 by striking "16" and inserting "14", and by striking "17" and inserting "15".

Section 2D1.11(d) is amended by striking paragraph (14); by redesignating paragraphs (1) through (13) as paragraphs (2) through (14), respectively; and by inserting before paragraph (2) (as so redesignated) the following new paragraph (1):

Level 38

"(1) [9] KG or more of Ephedrine;
[9] KG or more of Phenylpropanolamine;
[9] KG or more of Pseudoephedrine."

Section 2D1.11(d)(2) (as so redesignated) is amended by striking "Level 38" and inserting "Level 36"; and by striking "3 KG or more" each place such term appears and inserting "At least 3 KG but less than 9 KG".

Section 2D1.11(d)(3) (as so redesignated) is amended by striking "Level 36" and inserting "Level 34".

Section 2D1.11(d)(4) (as so redesignated) is amended by striking "Level 34" and inserting "Level 32".

Section 2D1.11(d)(5) (as so redesignated) is amended by striking "Level 32" and inserting "Level 30".

Section 2D1.11(d)(6) (as so redesignated) is amended by striking "Level 30" and inserting "Level 28".

Section 2D1.11(d)(7) (as so redesignated) is amended by striking "Level 28" and inserting "Level 26".

Section 2D1.11(d)(8) (as so redesignated) is amended by striking "Level 26" and inserting "Level 24".

Section 2D1.11(d)(9) (as so redesignated) is amended by striking "Level 24" and inserting "Level 22".

Section 2D1.11(d)(10) (as so redesignated) is amended by striking "Level 22" and inserting "Level 20".

Section 2D1.11(d)(11) (as so redesignated) is amended by striking "Level 20" and inserting "Level 18".

Section 2D1.11(d)(12) (as so redesignated) is amended by striking "Level 18" and inserting "Level 16".

Section 2D1.11(d)(13) (as so redesignated) is amended by striking "Level 16" and inserting "Level 14".

Section 2D1.11(d)(14) (as so redesignated) is amended by striking "Level 14" and inserting "Level 12"; and by striking "At least 500 MG but less" each place such term appears and inserting "Less".

Section 2D1.11(e) is amended by striking paragraph (10); by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and by inserting before paragraph (2) (as so redesignated) the following new paragraph (1):

Level 30

"(1) *List I Chemicals*
[2.7 KG] or more of Benzaldehyde;
[60] KG or more of Benzyl Cyanide;
[600] G or more of Ergonovine;
[1.2 KG] or more of Ergotamine;
[60] KG or more of Ethylamine;
[6.6] KG or more of Hydriodic Acid;
[3.9] KG or more of Iodine;
[960] KG or more of Isosafrole;
[600] G or more of Methylamine;
[1500] KG or more of N-Methylephedrine;
[1500] KG or more of N-Methylpseudoephedrine;
[1.9 KG] or more of Nitroethane;
[30] KG or more of Norpseudoephedrine;
[60] KG or more of Phenylacetic Acid;
[30] KG or more of Piperidine;
[960] KG or more of Piperonal;
[4.8] KG or more of Propionic Anhydride;
[960] KG or more of Safrole;
[1200] KG or more of 3, 4-Methylenedioxyphenyl-2-propanone;
[3406.5] L or more of Gamma-butyrolactone;
[2.1 KG] or more of Red Phosphorus, White Phosphorus, or Hypophosphorous Acid.".

Section 2D1.11(e)(2) (as so redesignated) is amended to read as follows:

Level 28

"(1) *List I Chemicals*
At least 890 G but less than 2.7 KG of Benzaldehyde;
At least 20 KG but less than 60 KG of Benzyl Cyanide;
At least 200 G but less than 600 G of Ergonovine;
At least 400 G but less than 1.2 KG of Ergotamine;
At least 20 KG but less than 60 KG of Ethylamine;
At least 2.2 KG but less than 6.6 KG of Hydriodic Acid;
At least 1.3 KG but less than 3.9 KG of Iodine;
At least 320 KG but less than 960 KG of Isosafrole;
At least 200 G but less than 600 G of Methylamine;
At least 500 KG but less than 1500 KG of N-Methylephedrine;
At least 500 KG but less than 1500 KG of N-Methylpseudoephedrine;
At least 625 G but less than 1.9 KG of Nitroethane;
At least 10 KG but less than 30 KG of Norpseudoephedrine;
At least 20 KG but less than 60 KG of Phenylacetic Acid;
At least 10 KG but less than 30 KG of Piperidine;
At least 320 KG but less than 960 KG of Piperonal;
At least 1.6 KG but less than 4.8 KG of Propionic Anhydride;
At least 320 KG but less than 960 KG of Safrole;
At least 400 KG but less than 1200 KG of 3, 4-Methylenedioxyphenyl-2-propanone;
At least 1135.5 L but less than 3406.5 L of Gamma-butyrolactone;
At least 714 G but less than 2.1 KG of Red Phosphorus, White Phosphorus, or Hypophosphorous Acid.
List II Chemicals
33 KG or more of Acetic Anhydride;
3525 KG or more of Acetone;
60 KG or more of Benzyl Chloride;
3225 KG or more of Ethyl Ether;
3600 KG or more of Methyl Ethyl Ketone;
30 KG or more of Potassium Permanganate;
3900 KG or more of Toluene.".

Section 2D1.11(e)(3) (as so redesignated) is amended by striking "Level 28" and inserting "Level 26"; and by striking the line referenced to

Acetic Anhydride and all that follows through the line referenced to Toluene and inserting the following:

"At least 11 KG but less than 33 KG of Acetic Anhydride;

At least 1175 KG but less than 3525 KG of Acetone;

At least 20 KG but less than 60 KG of Benzyl Chloride;

At least 1075 KG but less than 3225 KG of Ethyl Ether;

At least 1200 KG but less than 3600 KG of Methyl Ethyl Ketone;

At least 10 KG but less than 30 KG of Potassium Permanganate;

At least 1300 KG but less than 3900 KG of Toluene.".

Section 2D1.11(e)(4) (as so redesignated) is amended by striking "Level 26" and inserting "Level 24".

Section 2D1.11(e)(5) (as so redesignated) is amended by striking "Level 24" and inserting "Level 22".

Section 2D1.11(e)(6) (as so redesignated) is amended by striking "Level 22" and inserting "Level 20".

Section 2D1.11(e)(7) (as so redesignated) is amended by striking "Level 20" and inserting "Level 18".

Section 2D1.11(e)(8) (as so redesignated) is amended by striking "Level 18" and inserting "Level 16".

Section 2D1.11(e)(9) (as so redesignated) is amended by striking "Level 16" and inserting "Level 14".

Section 2D1.11(e)(10) (as so redesignated) is amended by striking "Level 14" and inserting "Level 22"; and in each line by striking "At least" and all that follows through "but less" and inserting "Less".

The Commentary to § 2D1.11 captioned "Application Notes" is amended in Note 1(A) by striking "38" both places such term appears and inserting "36"; and by striking "26" and inserting "24";
and in Note 1(B) by striking "32" and inserting "30".

(C) Environmental and Other Harms Caused by Drug Production Operations (Including, in Particular, the Cultivation of Marihuana)

Issue for Comment

1. The Commission requests comment on the environmental and other harms caused by offenses involving drug production operations (including, in particular, the cultivation of marihuana). Specifically, the Commission requests comment on whether the guidelines provide penalties for these offenses that appropriately account for the environmental and other harms caused by these offenses and, if not, what changes to the guidelines would be appropriate.

A person who cultivates or manufactures a controlled substance on Federal property may be prosecuted under 21 U.S.C. § 841 and subject to the same statutory penalty structure that applies to most other drug offenses. *See* 21 U.S.C. § 841(b)(5). As discussed in Part A, the base offense level for such an offense will generally be determined under § 2D1.1 based on the type and quantity of the drug involved. The guideline also provides a range of other provisions that may apply in particular cases. For example:

(1) § 2D1.1(b)(12) provides a 2-level enhancement if the defendant maintained a premises for the purpose of manufacturing or distributing a controlled substance; and

(2) § 2D1.1(b)(13) provides a tiered enhancement that includes, among other things, a 2-level enhancement if the offense involved an unlawful discharge, emission, or release into the environment of a hazardous or toxic substance, *see* § 2D1.1(b)(13)(A)(i), and a 3-level enhancement if the offense involved the manufacture of amphetamine or methamphetamine and the offense created a substantial risk of harm to human life or the environment, *see* § 2D1.1(b)(13)(C)(ii).

An offense involving the cultivation or production of a controlled substance may also be prosecuted under certain other statutes that take into account environmental or other harms. For example:

(A) Section 841(b)(6) makes it unlawful to manufacture a controlled substance (or attempt to do so) and knowingly or intentionally use a poison, chemical, or other hazardous substance on Federal land, and by such use (A) create a serious hazard to humans, wildlife, or domestic animals; (B) degrade or harm the environment or natural resources; or (C) pollute an aquifer, spring, stream, river, or body of water. A person who violates section 841(b)(6) is subject to a statutory maximum term of imprisonment of five years. Section 841(b)(6) is not referenced in Appendix A (Statutory Index) to any offense guideline.

(B) Section 841(d) makes it unlawful to assemble, maintain, place, or cause to be placed a boobytrap on Federal property where a controlled substance is being manufactured. A person who violates section 841(d) is subject to a statutory maximum term of imprisonment of ten years. Section 841(d) is referenced in Appendix A (Statutory Index) to § 2D1.9 (Placing or Maintaining Dangerous Devices on Federal Property to Protect the Unlawful Production of Controlled Substances; Attempt or Conspiracy). Section 2D1.9 provides a base offense level of level 23 and contains no other provisions.

The Commission seeks comment on offenses involving drug production operations, including, in particular, offenses involving the cultivation of marihuana. What conduct is involved in such offenses, and what is the nature and seriousness of the environmental and other harms posed by such offenses? What aggravating and mitigating circumstances may be present in such offenses? For example, if the offense was committed on federal property or caused environmental or other harm to federal property, should that circumstance be an aggravating factor? If the offense was committed while trespassing on private property or caused environmental or other harm while trespassing on private property, should that circumstance be an aggravating factor?

Do the provisions of § 2D1.1 and § 2D1.9, as applicable, adequately account for the conduct, the environmental and other harms, and the aggravating and mitigating circumstances? If not, how should the Commission amend the guidelines to account for the conduct, the environmental and other harms, and the aggravating and mitigating circumstances? Should the Commission provide a new specific offense characteristic, cross reference, or departure provision? If so, what should the new provision provide? Alternatively, should the Commission increase the amount, or the scope, of the existing specific offense characteristics, such as those in subsections (b)(12) and (b)(13)? If so, what should the new amount or scope of such provisions be?

4. Felon in Possession

Synopsis of Proposed Amendment: This proposed amendment clarifies how principles of relevant conduct apply in cases in which the defendant is convicted of a firearms offense (*e.g.*, being a felon in possession of a firearm) in two situations: First, when the defendant unlawfully possessed one firearm on one occasion and a different firearm on another occasion (but was not necessarily convicted of the second offense); and second, when the defendant unlawfully possessed a firearm and also used a firearm in connection with another offense, such as robbery or attempted murder (but was not necessarily convicted of the other offense).

Circuits appear to be following a range of approaches in determining how the relevant conduct guideline, § 1B1.3 (Relevant Conduct (Factors that Determine the Guideline Range)),

interacts with the firearms guideline, § 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition), in such cases.

Consider, for example, a case in which the defendant, a convicted felon, possesses a shotgun (a violation of 18 U.S.C. § 922(g)) on one occasion and possesses a handgun (another violation of section 922(g)) on another occasion. The defendant is convicted of a single count, for the unlawful possession of the shotgun. The court determines that the defendant also used the handgun in connection with a robbery.

In such a case, the court must determine, among other things, whether to apply the specific offense characteristic at subsection (b)(6)(B) or the cross reference at subsection (c)(1), or both. Under subsection (b)(6)(B), if a defendant possesses any firearm in connection with another offense, the defendant may receive a 4-level enhancement and a minimum offense level of 18. Similarly, under subsection (c)(1), if the defendant possesses any firearm in connection with another offense, the defendant may be cross referenced to another offense guideline applicable to the defendant's other offense conduct.

As with other specific offense characteristics and cross references in the *Guidelines Manual,* the scope of these provisions is determined based on subsections (a)(1) through (a)(4) of the relevant conduct guideline, § 1B1.3 (Relevant Conduct (Factors that Determine the Guideline Range)):

(a)(1) acts and omissions "that occurred during the commission of the offense of conviction, in preparation for that offense, or in the course of attempting to avoid detection or responsibility for that offense", *see* § 1B1.3(a)(1);

(a)(2) "solely with respect to offenses of a character for which § 3D1.2(d) would require grouping of multiple counts, all acts and omissions . . . that were part of the same course of conduct or common scheme or plan as the offense of conviction", *see* § 1B1.3(a)(2);

(a)(3) "all harm that resulted from the acts and omissions . . . , and all harm that was the object of such acts and omissions", *see* § 1B1.3(a)(3); and

(a)(4) "any other information specified in the applicable guideline", *see* § 1B1.3(a)(4).

When the Defendant Used the Firearm in Connection With Another Offense

One application issue arises when the defendant unlawfully possessed a firearm and used the firearm in connection with another offense, and the court must determine whether the "in connection with" offense under subsections (b)(6)(B) and (c)(1) satisfies the requirements of the relevant conduct guideline.

In several circuits, when a felon in possession defendant possessed a firearm in connection with another offense, the courts apply a subsection (a)(2) relevant conduct analysis and consider whether the other offense is a "groupable" offense under § 3D1.2(d); if the other offense is not a "groupable" offense, the increase under subsection (b)(6)(B) and the cross reference under subsection (c)(1) do not apply. *See, e.g., United States* v. *Horton,* 693 F.3d 463, 478–79 (4th Cir. 2012) (felon in possession used a firearm in connection with a murder, but the murder is not relevant conduct under subsection (a)(2) analysis because murder does not group); *Settle,* 414 F.3d at 632–33 (attempted murder); *United States* v. *Jones,* 313 F.3d 1019, 1023 n.3 (7th Cir. 2002) (murder); *United States* v. *Williams,* 431 F.3d 767, 772–73 & n.9 (11th Cir. 2005) (aggravated assault). These circuits do not appear to preclude subsection (b)(6)(B) or (c)(1) from applying to the defendant under a subsection (a)(1) relevant conduct analysis. The Third Circuit also applies a subsection (a)(2) relevant conduct analysis in such a case but does not require the other offense to be a "groupable" offense. *See United States* v. *Kulick,* 629 F.3d 165, 170 (3rd Cir. 2010) (in felon in possession case, cross reference to extortion guideline may apply under subsection (a)(2) relevant conduct analysis even though extortion does not group). The Fifth Circuit, in contrast, has held that the court does not perform any relevant conduct analysis in determining the scope of subsections (b)(6)(B) and (c)(1). *United States* v. *Gonzales,* 996 F.2d 88, 92 n.6 (5th Cir. 1993). *See also United States* v. *Outley,* 348 F.3d 476 (5th Cir. 2003) ("section 1B1.3 does not restrict the application of section 2K2.1(c)(1)").

When the Defendant Unlawfully Possessed One Firearm on One Occasion and a Different Firearm on Another Occasion

A second application issue arises when the defendant unlawfully possessed one firearm on one occasion and a different firearm on another occasion, and the court must determine whether both firearms fall within the scope of "any firearm" under subsections (b)(6)(B) and (c)(1).

The circuits appear to agree that the use of the term "any firearm or ammunition" in subsections (b)(6)(B) and (c)(1) indicates that they apply to any firearm "and not merely to a particular firearm upon which the defendant's felon-in-possession conviction is based." *United States* v. *Mann,* 315 F.3d 1054, 1055–57 (8th Cir. 2003). *See also United States* v. *Jardine,* 364 F.3d 1200, 1207 (10th Cir. 2004); *United States* v. *Williams,* 431 F.3d 767, 769–71 (11th Cir. 2005). But there are different approaches among the circuits as to what, if any, limiting principles apply. For example, the Sixth Circuit has indicated that there must be a "clear connection" between the different firearms because of relevant conduct principles under § 1B1.3. *See United States* v. *Settle,* 414 F.3d 629, 632–33 (6th Cir. 2005), and most other circuits to consider the question have agreed. However, the Fifth Circuit has held that relevant conduct principles do not apply, but the other firearm "must at least be related" to the firearm in the count of conviction because of the "overall context" of § 2K2.1. *United States* v. *Gonzales,* 996 F.2d 88, 92 n.6 (5th Cir. 1993). *See also United States* v. *Outley,* 348 F.3d 476 (5th Cir. 2003) ("section 1B1.3 does not restrict the application of section 2K2.1(c)(1)").

The proposed amendment provides two options for clarifying the operation of the firearms guideline in these situations.

Option 1 amends subsections (b)(6)(B) and (c)(1) to limit their application to firearms and ammunition identified in the offense of conviction. It makes conforming changes to the Commentary. Included among those conforming changes is an example of how the relevant conduct principles operate in a case in which the defendant is convicted of being a felon in possession of a firearm and also committed another offense with that same firearm. The example provides:

> Defendant A is convicted of being a felon in possession of a shotgun. The court determines that Defendant A used the shotgun in connection with a robbery. Under these circumstances, subsection (b)(6)(B) applies, and the cross reference in subsection (c)(1) also applies if it results in a greater offense level. The use of the shotgun in connection with the robbery is a factor specified in subsections (b)(6)(B) and (c)(1) and therefore is relevant conduct under § 1B1.3(a)(4) ("any other information specified in the applicable guideline").

Option 2 amends the Commentary to § 2K2.1 to clarify that subsections (b)(6)(B) and (c)(1) are not limited to firearms and ammunition identified in the offense of conviction. For a case in which the defendant is convicted of being a felon in possession of a firearm and also committed another offense

with that firearm, it provides the same example provided by Option 1. For a case in which the defendant is convicted of being a felon in possession of a firearm and also committed another offense with a different firearm, it provides an additional example. In such a case, the court must, as a threshold matter, determine whether the two felon in possession offenses are relevant conduct to each other. Specifically, it provides the following example:

Defendant B is convicted of being a felon in possession of a shotgun. The court determines that Defendant B also unlawfully possessed a handgun and that Defendant B used the handgun in connection with a robbery. Under these circumstances, the threshold question for the court is whether the two unlawful possession offenses (for the shotgun and for the handgun) were part of the same course of conduct or common scheme or plan. *See* § 1B1.3(a)(2). If they were, then both felon in possession offenses are used in determining the offense level. Accordingly, subsection (b)(6)(B) would apply, and the cross reference in subsection (c)(1) would also apply if it results in a greater offense level.

Several issues for comment are also provided.

Proposed Amendment

Section 2K2.1 is amended as follows (two options are provided):

[Option 1:

Section 2K2.1(b)(6)(B) is amended by inserting after "firearm or ammunition" both places such term appears the following: "identified in the offense of conviction".

Section 2K2.1(c)(1) is amended by inserting after "firearm or ammunition" both places such term appears the following: "identified in the offense of conviction".

The Commentary to § 2K2.1 captioned "Application Notes" is amended in Note 14 by striking "'*In Connection With*'.—" and inserting "*Application of Subsections (b)(6)(B) and (c)(1).*—";

in Note 14(A) by inserting after "firearm or ammunition" the following: "identified in the offense of conviction";

in Note 14(B) by inserting after "a firearm" both places such term appears the following: "identified in the offense of conviction";

and in Note 14 by adding at the end the following:

" (E) *Relationship Between the Instant Offense and the Other Offense.*—In determining whether subsections (b)(6)(B) and (c)(1) apply, the court must consider the relationship between the instant offense and the other offense, consistent with relevant conduct principles. *See* § 1B1.3(a)(1)–(4) and accompanying commentary. For example:

Defendant A is convicted of being a felon in possession of a shotgun. The court determines that Defendant A used the shotgun in connection with a robbery. Under these circumstances, subsection (b)(6)(B) applies, and the cross reference in subsection (c)(1) also applies if it results in a greater offense level. The use of the shotgun in connection with the robbery is a factor specified in subsections (b)(6)(B) and (c)(1) and therefore is relevant conduct under § 1B1.3(a)(4) ('any other information specified in the applicable guideline').]

[Option 2:

The Commentary to § 2K2.1 captioned "Application Notes" is amended in Note 14 by striking "'*In Connection With*'.—" and inserting "*Application of Subsections (b)(6)(B) and (c)(1).*—";

and by adding at the end the following:

" (E) *Relationship Between the Instant Offense and the Other Offense.*—In determining whether subsections (b)(6)(B) and (c)(1) apply, the court must consider the relationship between the instant offense and the other offense, consistent with relevant conduct principles. *See* § 1B1.3(a)(1)–(4) and accompanying commentary. For example:

(i) Defendant A is convicted of being a felon in possession of a shotgun. The court determines that Defendant A used the shotgun in connection with a robbery. Under these circumstances, subsection (b)(6)(B) applies, and the cross reference in subsection (c)(1) also applies if it results in a greater offense level. The use of the shotgun in connection with the robbery is a factor specified in subsections (b)(6)(B) and (c)(1) and therefore is relevant conduct under § 1B1.3(a)(4) ('any other information specified in the applicable guideline').

(ii) Defendant B is convicted of being a felon in possession of a shotgun. The court determines that Defendant B also unlawfully possessed a handgun and that Defendant B used the handgun in connection with a robbery. Under these circumstances, the threshold question for the court is whether the two unlawful possession offenses (for the shotgun and for the handgun) were part of the same course of conduct or common scheme or plan. *See* § 1B1.3(a)(2). If they were, then both felon in possession offenses are used in determining the offense level. Accordingly, subsection (b)(6)(B) would apply, and the cross reference in subsection (c)(1) would also apply if it results in a greater offense level."]

Issues for Comment

1. The Commission invites comment on cases in which the defendant is convicted of a firearms offense (*e.g.*, being a felon in possession of a firearm) but also engaged in other offense conduct with a firearm, such as robbery or attempted murder. The firearms guideline accounts for such conduct through the operation of subsections (b)(6)(B) and (c)(1), and the proposed amendment would clarify the operation of these provisions.

Does the proposed amendment adequately clarify the operation of subsections (b)(6)(B) and (c)(1) in these cases? If not, how should the Commission revise the proposed amendment to better clarify the operation of subsections (b)(6)(B) and (c)(1) in these cases?

2. In addition, the Commission seeks comment on the operation and scope of subsections (b)(6)(B) and (c)(1). Are there inconsistencies in how these provisions are applied? Should the Commission consider narrowing or clarifying the scope of these provisions, particularly in cases in which the defendant was convicted of possessing one firearm but also used another firearm in connection with another offense? Should the cross reference in subsection (c)(1) be deleted?

5. 2L1.1

Synopsis of Proposed Amendment: This amendment responds to concerns that have been raised about cases in which aliens are transported through dangerous terrain, *e.g.*, along the southern border of the United States. The Commission has heard that the guidelines may not adequately account for the harms that may be involved in such cases. For example, aliens transported through such terrain may face the risk of starvation, dehydration, or exposure, ranch property may be damaged or destroyed, and border patrol search and rescue teams may need to be involved.

Section 2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien) currently has an enhancement at subsection (b)(6) for reckless endangerment, which provides for a 2-level increase and a minimum offense level of 18 if the offense involved intentionally or recklessly creating a substantial risk of death or serious bodily injury to another person. The application note for subsection (b)(6) explains that reckless conduct to which subsection (b)(6) applies includes a wide variety of conduct, and provides as

examples "transporting persons in the trunk or engine compartment of a motor vehicle, carrying substantially more passengers than the rated capacity of a motor vehicle or vessel, or harboring persons in a crowded, dangerous, or inhumane condition".

One case that illustrates these concerns is *United States* v. *Mateo Garza*, 541 F.3d 2008 (5th Cir. 2008), in which the Fifth Circuit held that the reckless endangerment enhancement at § 2L1.1(b)(6) does not *per se* apply to transporting aliens through the South Texas brush country, and must instead be applied based on the specific facts presented to the court. The Fifth Circuit emphasized that it is not enough to say, as the district court had, that traversing an entire geographical region is inherently dangerous, but that it must be dangerous on the facts presented to and used by the district court. The Fifth Circuit identified such pertinent facts from its prior case law as the length of the journey, the temperature, whether the aliens were provided food and water and allowed rest periods, and whether such aliens suffered injuries and death. *See, e.g., United States* v. *Garcia-Guerrero,* 313 F.3d 892 (5th Cir. 2002). Additional facts that have supported the enhancement include: whether the aliens were abandoned en route, the time of year during which the journey took place, the distance traveled, and whether the aliens were adequately clothed for the journey. *See e.g., United States* v. *Chapa,* 362 Fed. App'x 411 (5th Cir. 2010); *United States* v. *De Jesus-Ojeda,* 515 F.3d 434 (5th Cir. 2008); *United States* v. *Hernandez-Pena,* 267 Fed. App'x 367 (5th Cir. 2008); *United States* v. *Rodriguez-Cruz,* 255 F.3d 1054 (9th Cir. 2001).

The proposed amendment adds to the existing parenthetical that currently provides examples of the "wide variety of conduct" to which this specific offense characteristic could apply, "or guiding persons through, or abandoning persons in, dangerous terrain without adequate food, water, clothing, or protection from the elements".

An issue for comment is also included.

Proposed Amendment

The Commentary to § 2L1.1 captioned "Application Notes" is amended in Note 5 by striking "or" before "harboring", and by inserting after "inhumane condition" the following: ", or guiding persons through, or abandoning persons in, dangerous terrain without adequate food, water, clothing, or protection from the elements".

Issue for Comment

1. The Commission seeks comment on cases in which individuals guide persons through, or abandon persons in, dangerous terrain (*e.g.*, on the southern border of the United States). Are there aggravating or mitigating factors in such cases that the Commission should take into account in the guidelines? If so, what are the factors, and how should the Commission amend the guidelines to take them into account? Specifically:

(A) The Commission has heard concern that § 2L1.1 may not be adequate in cases in which aliens are transported through desert-like terrain. Such transport, it has been argued, is inherently dangerous in that aliens may lack adequate food, water, and clothing for the climate and length of the journey, and guides may become lost or abandon the aliens whom they lead. Similar risks may be associated with transporting aliens through mountainous regions. *See, e.g., United States* v. *Rodriguez-Cruz,* 255 F.3d 1054 (9th Cir. 2001). Do these factors support a *per se* application of the enhancement at subsection (b)(6)? Instead, should the guideline account for these factors in some other way? If so, how should the Commission amend the guidelines to take these factors into account?

(B) Concern has also been raised that, in cases in which individuals guide aliens through private lands, ranch property may be damaged or destroyed. Should this guideline account for such damage? If so, how should the Commission amend the guidelines to take this into account?

(C) The Commission has also heard that some alien transportation cases involve the rescue of aliens by special border patrol search and rescue teams. Should this guideline account for the added resources required for these search and rescue missions? If so, how should the Commission amend the guidelines to take this into account?

6. 5D1.2

Synopsis of Proposed Amendment: This proposed amendment addresses differences among the circuits in the calculation of the guideline range of supervised release under § 5D1.2 (Term of Supervised Release) in two situations: First, when there is a statutory minimum term of supervised release, and second, when the instant offense of conviction is failure to register as a sex offender under 18 U.S.C. § 2250.

Section 5D1.2(a) sets forth general rules for determining the guideline range of supervised release. The guideline range is *two to five years*, for a Class A or B felony (*i.e.*, a statutory maximum of 25 or more years); *one to three years*, for a Class C or D felony (*i.e.*, a statutory maximum of five or more years but less than 25 years); and *one year*, for a Class E felony or a Class A misdemeanor (*i.e.*, a statutory maximum of one or more years but less than five years). *See* § 5D1.2(a)(1)–(3); 18 U.S.C. § 3559 (Sentencing classification of offenses).

Section 5D1.2(b) operates for certain offenses to replace the top end of the guideline range calculated under subsection (a) with a life term of supervised release. Those offenses are (1) any offense listed in 18 U.S.C. § 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person; and (2) a sex offense (as defined in the Commentary to '5D1.2).

Section 5D1.2(c) states: "The term of supervised release imposed shall be not less than any statutorily required term of supervised release."

A. When a Statutory Minimum Term of Supervised Release Applies

First, there appear to be differences among the circuits in how to calculate the guideline range of supervised release when there is a statutory minimum term of supervised release. These cases involve the meaning of subsection (c) and its interaction with subsection (a).

The Seventh Circuit held that when there is a statutory minimum term of supervised release, the statutory minimum term becomes the bottom of the guideline range (replacing the bottom of the range provided by (a)) or, if it equals or exceeds the top of the guideline range provided by subsection (a), becomes a guidelines "range" of a single point at the statutory minimum. *United States* v. *Gibbs*, 578 F.3d 694, 695 (7th Cir. 2009). Thus, if subsection (a) provides a range of three to five years, but the statute provides a range of five years to life, the "range" is precisely five years. *Gibbs* involved a drug offense for which 21 U.S.C. § 841(b) required a supervised release term of five years to life. *See also United States* v. *Goodwin,* 717 F.3d 511, 519–20 (7th Cir. 2013) (applying *Gibbs* to a case involving a failure to register for which 18 U.S.C. § 3583(k) required a supervised release term of five years to life).

These cases are in tension with the approach of the Eighth Circuit in *United States* v. *Deans,* 590 F.3d 907, 911 (8th Cir. 2010). In *Deans,* the range calculated under subsection (a) was two to three years of supervised release. However, the relevant statute, 21 U.S.C.

§ 841(b)(1)(C), provided a range three years to life. Under the Seventh Circuit's approach in *Gibbs,* the guidelines "range" would appear to be precisely three years. Without reference to *Gibbs,* the Eighth Circuit in *Deans* indicated that the statutory requirement "trumps" subsection (a), and the guideline range becomes the statutory range—three years to life. 590 F.3d at 911. Thus, the district court's imposition of five years of supervised release "was neither an upward departure nor procedural error." *Id.*

Part A provides two options for resolving these differences. Option 1 adopts the approach of the Seventh Circuit in *Gibbs* and *Goodwin.* Option 2 adopts the approach of the Eighth Circuit in *Deans.* Each option amends the commentary to provide examples of how subsection (c) would operate.

B. When the Defendant Is Convicted of Failure To Register as a Sex Offender

Second, there appear to be differences among the circuits in how to calculate the guideline range of supervised release when the defendant is convicted under 18 U.S.C. § 2250 (*i.e.,* for failing to register as a sex offender). When a defendant is convicted of such an offense, the court is required by statute to impose a term of supervised release of at least five years and up to life. *See* 18 U.S.C. § 3583(k).

There appears to be an application issue about when, if at all, such an offense is a "sex offense" for purposes of subsection (b) of § 5D1.2. If a failure to register is a sex offense, then subsection (b) specifically provides for a term of supervised release of anywhere from the minimum provided by subsection (a) to the maximum provided by statute (*i.e.,* life), and a policy statement contained within subsection (b) recommends that the maximum be imposed. *See* § 5D1.2(b), p.s. Another effect of the determination is that, if a failure to register is a "sex offense," the guidelines recommend that special conditions of supervised release also be imposed, such as participating in a sex offender monitoring program and submitting to warrantless searches. *See* § 5D1.3(d)(7).

Application Note 1 defines "sex offense" to mean, among other things, "an offense, perpetrated against a minor, under" chapter 109B of title 18 (the only section of which is section 2250). Circuits have reached different conclusions about the effect of this definition.

The Seventh Circuit has held that a failure to register can never be a "sex offense" within the meaning of Note 1. *United States* v. *Goodwin,* 717 F.3d 511, 518–20 (7th Cir. 2013). The court in *Goodwin* reasoned that there is no specific victim of a failure to register, and therefore a failure to register is never "perpetrated against a minor" and can never be a "sex offense"—rendering the definition's inclusion of offenses under chapter 109B "surplusage". 717 F.3d at 518. In an unpublished opinion, the Second Circuit has determined that a failure to register was not a "sex offense". *See United States* v. *Herbert,* 428 Fed. App'x 37 (2d Cir. 2011). In both cases, the government argued for these outcomes, confessing error below.

There are unpublished decisions in other circuits that have reached different results, without discussion. In those cases, the defendant had a prior sex offense against a minor, and the circuit court determined that the failure to register was a "sex offense". *See United States* v. *Zeiders,* 440 Fed. App'x 699, 701 (11th Cir. 2011); *United States* v. *Nelson,* 400 Fed. App'x 781 (4th Cir. 2010).

Part B responds to the application issue by amending the commentary to '5D1.2 to clarify that offenses under section 2250 are not "sex offenses". An issue for comment seeks comment on supervised release for offenses under section 2250, including what term should be provided by the supervised release guidelines and whether there are distinctions among section 2250 offenses that should be accounted for in the supervised release guidelines (*e.g.,* in the length or conditions of supervised release).

Proposed Amendment

(A) When a Statutory Minimum Term of Supervised Release Applies

The Commentary to § 5D1.2 captioned "Application Notes" is amended by adding at the end the following new Note 6 (two options are provided):

[Option 1:

"6. *Application of Subsection (c).*—Subsection (c) specifies how a statutorily required minimum term of supervised release may affect the minimum term of supervised release provided by the guidelines. For example, if subsection (a) provides a range of two years to five years, but the relevant statute requires a minimum term of supervised release of three years and a maximum term of life, the term of supervised release provided by the guidelines is restricted by subsection (c) to three years to five years. Similarly, if subsection (a) provides a range of two years to five years, but the relevant statute requires a minimum term of supervised release of five years and a maximum term of life, the term of supervised release provided by the guidelines is five years.

The following example illustrates the interaction of subsections (a) and (c) when subsection (b) is also involved. In this example, subsection (a) provides a range of two years to five years; the relevant statute requires a minimum term of supervised release of five years and a maximum term of life; and the offense is a sex offense under subsection (b). The effect of subsection (b) is to raise the maximum term of supervised release from five years (as provided by subsection (a)) to life, yielding a range of two years to life. The term of supervised release provided by the guidelines is then restricted by subsection (c) to five years to life. In this example, a term of supervised release of more than five years would be a guideline sentence. In addition, subsection (b) contains a policy statement recommending that the maximum—a life term of supervised release—be imposed."]

[Option 2:

"6. *Application of Subsection (c).*—Subsection (c) specifies how a statutorily required minimum term of supervised release may affect the term of supervised release provided by the guidelines. In such a case, the range provided by statute supersedes the range provided by subsection (a). For example, if subsection (a) provides a range of two years to five years, but the relevant statute requires a minimum term of supervised release of three years and a maximum term of life, the term of supervised release provided by the guidelines is three years to life."]

(B) When the Defendant Is Convicted of Failure To Register as a Sex Offender

The Commentary to § 5D1.2 captioned "Application Notes" is amended in Note 1, in the paragraph that begins "'Sex offense' means", in subparagraph (A), by striking clause (ii) and redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively; and in subparagraph (B) by striking "(vi)" and inserting "(v)".

Issue for Comment

1. The Commission seeks comment on supervised release for defendants convicted under section 2250. Under section 2250(a), a defendant who fails to register as a sex offender shall be imprisoned for not more than 10 years. Under section 2250(c), an individual who fails to register under section 2250(a) and commits a crime of violence shall be imprisoned for not less than 5 years and not more than 30 years, in

addition to and consecutive to the punishment for violating section 2250(a).

First, the Commission seeks comment on what length term of supervised release the guidelines should provide for offenses under section 2250. When a defendant is convicted of such an offense, the court is required by statute to impose a term of supervised release of at least five years and up to life. *See* 18 U.S.C. § 3583(k). What term of supervised release should the guidelines provide? In particular, should the guidelines provide for a term of supervised release of:

(A) not less than five years and up to life;

(B) not less than five years and up to life, with a life term recommended;

(C) precisely five years; or

(D) some other option?

Second, the Commission seeks comment on whether there are distinctions among section 2250 offenses that should be accounted for in the supervised release guidelines (*e.g.*, in the length or conditions of supervised release). In particular:

(i) Should a defendant convicted under section 2250(c) be treated differently from a defendant convicted under section 2250(a)? For example, should the guidelines provide a longer term of supervised release for an offense under section 2250(c) than for an offense under section 2250(a)? If so, how much longer? Should the guidelines provide more conditions of supervised release for an offense under section 2250(c) than for an offense under section 2250(a)? If so, what conditions?

(ii) Should a defendant who was convicted of a sex offense against a minor, and was then convicted of failing to register that conviction, be treated differently from a defendant who was convicted of a sex offense against an adult? For example, should the guidelines provide a longer term of supervised release for a defendant whose underlying sex offense was against a minor than for a defendant whose underlying sex offense was against an adult? If so, how much longer? Should the guidelines provide more conditions of supervised release for a defendant whose underlying sex offense was against a minor than for a defendant whose underlying sex offense was against an adult? If so, what conditions?

(iii) Specifically for defendants convicted under section 2250(c), should a defendant whose "crime of violence" under section 2250(c) was committed against a minor be treated differently from a defendant whose "crime of violence" was committed against an adult? For example, should the guidelines provide a longer term of supervised release for a defendant whose "crime of violence" was against a minor than for a defendant whose "crime of violence" was against an adult? If so, how much longer? Should the guidelines provide more conditions of supervised release for a defendant whose "crime of violence" was against a minor than for a defendant whose "crime of violence" was against an adult? If so, what conditions?

7. 5G1.3

Synopsis of Proposed Amendment: This proposed amendment addresses cases in which the defendant is subject to an undischarged term of imprisonment. The guideline applicable to this is § 5G1.3 (Imposition of a Sentence on a Defendant Subject to an Undischarged Term of Imprisonment), which provides:

(a) If the instant offense was committed while the defendant was serving a term of imprisonment (including work release, furlough, or escape status) or after sentencing for, but before commencing service of, such term of imprisonment, the sentence for the instant offense shall be imposed to run consecutively to the undischarged term of imprisonment.

(b) If subsection (a) does not apply, and a term of imprisonment resulted from another offense that is relevant conduct to the instant offense of conviction under the provisions of subsections (a)(1), (a)(2), or (a)(3) of § 1B1.3 (Relevant Conduct) and that was the basis for an increase in the offense level for the instant offense under Chapter Two (Offense Conduct) or Chapter Three (Adjustments), the sentence for the instant offense shall be imposed as follows:

(1) The court shall adjust the sentence for any period of imprisonment already served on the undischarged term of imprisonment if the court determines that such period of imprisonment will not be credited to the federal sentence by the Bureau of Prisons; and

(2) the sentence for the instant offense shall be imposed to run concurrently to the remainder of the undischarged term of imprisonment.

(c) (Policy Statement) In any other case involving an undischarged term of imprisonment, the sentence for the instant offense may be imposed to run concurrently, partially concurrently, or consecutively to the prior undischarged term of imprisonment to achieve a reasonable punishment for the instant offense.

The proposed amendment is in three parts, each of which amend § 5G1.3. The first part addresses cases in which a defendant is subject to an undischarged term of imprisonment that is relevant conduct but does not result in a Chapter Two or Three increase. The second part addresses the adjustment of sentences for defendants subject to anticipated state terms of imprisonment. The third part addresses cases in which certain deportable aliens are subject to undischarged terms of imprisonment. Although these three parts revise the same guideline in overlapping ways, the Commission seeks comment on each of them independently. They are presented not as alternatives to each other but rather as independent proposals that could, if appropriate, be adopted in combination.

(A) Accounting for Undischarged Terms of Imprisonment That Are Relevant Conduct But Do Not Result in Chapter Two or Chapter Three Increases

Synopsis of Proposed Amendment: Part A amends § 5G1.3(b) to require a court to adjust the sentence and impose concurrent sentences in any case in which the prior offense is relevant conduct under the provisions of § 1B1.3(a)(1), (a)(2), or (a)(3), whether or not it also formed the basis for a Chapter Two or Chapter Three increase. Conforming changes are made to the application notes as well.

An issue for comment is also included.

Proposed Amendment

Section 5G1.3(b) is amended by striking "and that was the basis for an increase in the offense level for the instant offense under Chapter Two (Offense Conduct) or Chapter Three (Adjustments)".

The Commentary to § 5G1.3 captioned "Application Notes" is amended in Note 2(A) by striking "(i)" and by striking "; and (ii)" and all that follows through "offense." and inserting a period;

in Note 2(B) by striking "increased the Chapter Two or Three offense level for the instant offense but"; and

in Note 2(D) by striking "40" and inserting "55", and by striking "55" and inserting "70".

Issue for Comment

1. The Commission seeks comment on the application of § 5G1.3(b) as it relates to the relevant conduct rules in § 1B1.3 and any Chapter Two or Three offense level increases that may apply at sentencing. Specifically, the proposed amendment would amend § 5G1.3(b) to delete the requirement that the prior

offense form the basis for a Chapter Two or Chapter Three increase, but would maintain the requirement that the prior offense be relevant conduct under the provisions of only certain subsections of the relevant conduct rules, namely subsections (a)(1), (a)(2), or (a)(3) of § 1B1.3. Should the proposed amendment also allow application of § 5G1.3(b) if the prior offense was relevant conduct under subsection (a)(4) of § 1B1.3, relating to "any other information specified in the applicable guideline"? Such an amendment would, for instance, authorize a court to apply § 5G1.3(b) where the prior offense is an aggravated felony for which the defendant received an increase under § 2L1.2 (Unlawfully Entering or Remaining in the United States), a circumstance not currently covered because the aggravated felony is not relevant conduct under the provisions of subsections (a)(1), (a)(2), or (a)(3) of § 1B1.3.

(B) Adjustment for an Anticipated State Term of Imprisonment

Synopsis of Proposed Amendment: Part B amends § 5G1.3 to provide for an adjustment to a federal sentence in cases in which there is an anticipated, but not yet imposed, state term of imprisonment. Similar to § 5G1.3(b), the new subsection (c) allows a court to adjust the federal sentence for any anticipated state term of imprisonment if subsection (a) does not apply, and a state term of imprisonment is anticipated to result from another offense that is relevant conduct to the instant offense of conviction under the provisions of subsections (a)(1), (a)(2), or (a)(3) of § 1B1.3 (Relevant Conduct). The proposed amendment brackets for comment whether a sentencing court shall or whether it may adjust such a defendant's sentence for any anticipated period of imprisonment. The proposed amendment also brackets for comment whether the other offense must also be the basis for an increase in the offense level for the instant offense under Chapter Two (Offense Conduct) or Chapter Three (Adjustments), or whether, as in Part A, this requirement should be removed. An issue for comment is also included.

Proposed Amendment

Section 5G1.3 is amended in the heading by adding at the end "*or Anticipated State Term of Imprisonment*".

Section 5G1.3 is amended by redesignating subsection (c) as subsection (d); and by inserting after subsection (b) the following new subsection (c):

"(c) If subsection (a) does not apply, and a state term of imprisonment is anticipated to result from another offense that is relevant conduct to the instant offense of conviction under the provisions of subsections (a)(1), (a)(2), or (a)(3) of § 1B1.3 (Relevant Conduct) [and that was the basis for an increase in the offense level for the instant offense under Chapter Two (Offense Conduct) or Chapter Three (Adjustments)], the court [may][shall] adjust the sentence for any anticipated state term of imprisonment if the court determines that such period of imprisonment will not be credited to the federal sentence by the Bureau of Prisons.".

The Commentary to § 5G1.3 captioned "Application Notes" is amended by redesignating Notes 3 and 4 as Notes 4 and 5, respectively; by inserting after Note 2 the following new Note 3:

"3. *Application of Subsection (c).*—Subsection (c) applies to cases in which the federal court anticipates that, after the federal sentence is imposed, the defendant may be sentenced in state court and will serve a state sentence before being transferred to federal custody for federal imprisonment. In such a case, where the other offense is relevant conduct to the instant offense of conviction under the provisions of subsections (a)(1), (a)(2), or (a)(3) of § 1B1.3 (Relevant Conduct) [and was the basis for an increase in the offense level for the instant offense under Chapter Two (Offense Conduct) or Chapter Three (Adjustments)], the court [may][shall] adjust the sentence for the period of time anticipated to be served in state custody. To avoid confusion with the Bureau of Prisons' exclusive authority provided under 18 U.S.C. § 3585(b) to grant credit for time served under certain circumstances, the Commission recommends that any such adjustment be clearly stated on the Judgment in a Criminal Case Order as an adjustment pursuant to § 5G1.3(c), rather than as a credit for time served.";

in Note 4 (as so redesignated) by striking "*(c)*" and inserting "*(d)*";

in each of subparagraphs (A), (B), (C), (D), and (E) by striking "(c)" each place such term appears and inserting "(d)";

and in subparagraph (E) by striking "subsection (b)" and inserting "subsections (b) and (c)".

Issue for Comment

1. The Commission seeks comment on whether there are cases in which a federal court anticipates that a period of time spent by the defendant in pretrial custody in connection with the anticipated state sentence will not be credited to the federal sentence by the Bureau of Prisons. How, if at all, should the guidelines account for such cases? Should the guidelines allow the federal court to adjust the sentence for that period of time? Should the guidelines provide a departure provision to account for such cases?

(C) Sentencing of Deportable Aliens With Unrelated Terms of Imprisonment

Synopsis of Proposed Amendment: Part C amends § 5G1.3 by adding a new subsection (c) to provide for an adjustment if a defendant is a deportable alien who is likely to be deported after imprisonment and the defendant is serving an undischarged term of imprisonment that resulted from an unrelated offense. The proposed amendment brackets for comment whether a sentencing court shall or whether it may adjust such a defendant's sentence for any period of imprisonment already served on the undischarged term. It also brackets for comment whether the new subsection (c) should apply notwithstanding whether either subsection (a) or (b) of § 5G1.3 would ordinarily apply to the defendant, or whether subsection (c) only applies if subsection (a), relating to offenses committed while serving a sentence of imprisonment, does not otherwise apply to the defendant. The proposed amendment also adds a new application note to the commentary to § 5G1.3 describing the new subsection (c) and providing an example of its application.

The proposed amendment further amends § 5K2.23 to provide that if a defendant who is a deportable alien who is likely to be deported after imprisonment has completed serving a term of imprisonment and the proposed subsection (c) of § 5G1.3 would have provided an adjustment had that completed term of imprisonment been undischarged at the time of sentencing for the instant offense, a departure is warranted. The commentary to § 5G1.3 is also amended in Note 4 (related to downward departures) to reflect the change to § 5K2.23.

An issue for comment is also included requesting comment on whether the proposed amendment should instead amend § 2L1.2 (Unlawfully Entering or Remaining in the United States) to provide for a downward departure.

Proposed Amendment

Section 5G1.3 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection (c):

"(c) Notwithstanding subsection[s (a) and] (b), if the defendant is a deportable alien who is likely to be deported after imprisonment and is serving an undischarged term of imprisonment that resulted from an unrelated offense, the court [may][shall] adjust the sentence for any period of imprisonment already served on the undischarged term if the court determines that such period of imprisonment will not be credited to the federal sentence by the Bureau of Prisons.".

The Commentary to § 5G1.3 captioned "Application Notes" is amended in Note 2(A) by striking "subsection (c)" and inserting "subsections (c) and (d)";

by redesignating Notes 3 and 4 as Notes 4 and 5, respectively;

by inserting after Note 2 the following new Note 3:

"3. *Application of Subsection (c).*—

(A) *In General.*—Subsection (c) applies in cases in which the defendant is a deportable alien who likely will be deported after imprisonment and the defendant is serving an undischarged term of imprisonment for an unrelated offense. In such a case, the court [may][shall] adjust the defendant's sentence to account for any time already served on the undischarged term.

(B) *Example.*—The following is an example in which subsection (c) applies and an adjustment to the sentence is appropriate:

The defendant is convicted of a federal offense for illegal reentry after conviction for an aggravated felony. The defendant received a ten-month sentence of imprisonment for an unrelated state offense and has served four months on that sentence at the time of sentencing on the instant federal offense. The guideline range applicable to the defendant is 18–24 months (Chapter Two offense level of 16 based on base offense level of 8 and 8-level increase for aggravated felony; 3-level reduction for acceptance of responsibility; final offense level of 13; Criminal History Category III). The court determines that the defendant is a deportable alien who likely will be deported after imprisonment and a sentence of 18 months provides the appropriate total punishment. Because the defendant has already served four months on the unrelated state charge as of the date of sentencing on the instant federal offense, a sentence of 14 months achieves this result.";

in Note 4 (as so redesignated) by striking "*(c)*" and inserting "*(d)*;"

in each of subparagraphs (A), (B), (C), (D), and (E) by striking "(c)" each place such term appears and inserting "(d)"; and

in subparagraph (E) by striking "subsection (b)" and inserting "subsections (b) and (c)";

and in Note 5 by inserting after "subsection (b)" the following: "or (c)".

Section 5K2.23 is amended by inserting after "subsection (b)" the following: "or (c)".

Issue for Comment

1. The Commission seeks comment on whether the guidelines should instead address this issue by adding a downward departure provision. For instance, several courts have fashioned a downward departure for those defendants still subject to undischarged state sentences to account for the delay between when an illegal reentry defendant is "found" by immigration authorities and when such a defendant is brought into federal custody. *See, e.g., United States* v. *Sanchez-Rodriguez,* 161 F.3d 556, 563–64 (9th Cir. 1998) (affirming downward departure on the basis that, because of the delay in indicting and sentencing the defendant with illegal reentry, he lost the opportunity to serve a greater portion of his state sentence concurrently with his federal sentence); *United States* v. *Barrera-Saucedo,* 385 F.3d 533, 537 (5th Cir. 2004) (holding that "it is permissible for a sentencing court to grant a downward departure to an illegal alien for all or part of time served in state custody from the time immigration authorities locate the defendant until he is taken into federal custody"); *see also United States* v. *Los Santos,* 283 F.3d 422, 428–29 (2d Cir. 2002) (departure appropriate if the delay was either in bad faith or unreasonable).

Should the Commission include a downward departure in '2L1.2 (Unlawfully Entering or Remaining in the United States) similar to those approved by the circuit courts above? Examples of such a downward departure are the following:

Example 1:

Departure Based on Unrelated State Sentence.—There may be cases in which the defendant is a deportable alien who likely will be deported after imprisonment and is serving [or has served] a sentence for an unrelated state crime. In such a case, a departure may be warranted to account for the time the defendant has already served in state custody.

Example 2:

Departure Based on Unrelated State Sentence.—There may be cases in which the defendant is a deportable alien who likely will be deported after imprisonment and is serving [or has served] a sentence for an unrelated state crime. In such a case, a departure may be warranted to account for the defendant's lost opportunity to serve a greater portion of his state sentence concurrently with his federal sentence.

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