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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1016

[Docket No. CFPB–2014–0010]

RIN 3170–AA39

Amendment to the Annual Privacy Notice Requirement Under the Gramm-Leach-Bliley Act (Regulation P)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is amending Regulation P, which requires, among other things, that financial institutions provide an annual disclosure of their privacy policies to their customers. The amendment creates an alternative delivery method for this annual disclosure, which financial institutions will be able to use under certain circumstances.

DATES: This final rule is effective on October 28, 2014.

FOR FURTHER INFORMATION CONTACT: Nora Rigby and Joseph Devlin, Counsels; Office of Regulations, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Summary of the Rule

The Gramm-Leach-Bliley Act (GLBA) [1] and Regulation P mandate that financial institutions provide their customers with initial and annual notices regarding their privacy policies. If financial institutions share certain customer information with particular types of third parties, the institutions are also required to provide notice to their customers and an opportunity to opt out of the sharing. The Fair Credit Reporting Act (FCRA) requires similar notices of opt-out rights. Many financial institutions currently mail printed copies of annual GLBA privacy notices to their customers, including notices of GLBA and/or FCRA opt-out rights, where applicable, but some of these institutions have expressed concern that this practice causes information overload for consumers and unnecessary expense.

In response to such concerns, the Bureau proposed and now finalizes this rule to allow financial institutions to use an alternative delivery method to provide annual privacy notices through posting the annual notices on their Web sites if they meet certain conditions. Specifically, financial institutions may use the alternative delivery method for annual privacy notices if: (1) No opt-out rights are triggered by the financial institution's information sharing practices under GLBA or FCRA section 603, and opt-out notices required by FCRA section 624 have previously been provided, if applicable, or the annual privacy notice is not the only notice provided to satisfy those requirements; (2) the information included in the privacy notice has not changed since the customer received the previous notice; and (3) the financial institution uses the model form provided in Regulation P as its annual privacy notice.

To use the alternative method, the financial institution must continuously post the annual privacy notice in a clear and conspicuous manner on a page of its Web site, without requiring a login or similar steps or agreement to any conditions to access the notice. In addition, to assist customers with limited or no access to the Internet, the institution must mail annual notices to customers who request them by telephone, within ten days of the request.

To make customers aware that its annual privacy notice is available through these means, the institution must insert a clear and conspicuous statement at least once per year on an account statement, coupon book, or a notice or disclosure the institution issues under any provision of law. The statement must inform customers that the annual privacy notice is available on the financial institution's Web site, the institution will mail the notice to customers who request it by calling a specific telephone number, and the notice has not changed.

A financial institution is still required to use one of the permissible delivery methods that predate this rule change (referred to as the standard delivery methods) if the institution, among other things, has changed its privacy practices or engages in information-sharing activities for which customers have a right to opt out.

II. Background

A. The Statute and Regulation

The GLBA was enacted into law in 1999.[2] The statute, among other things, is intended to provide a comprehensive framework for regulating the privacy practices of an extremely broad range of entities. "Financial institutions" for purposes of the GLBA include not only depository institutions and non-depository institutions providing consumer financial products or services (such as payday lenders, mortgage brokers, check cashers, debt collectors, and remittance transfer providers), but also many businesses that do not offer or provide consumer financial products or services.

Rulemaking authority to implement the GLBA privacy provisions was initially spread among many agencies. The Federal Reserve Board (Board), the Office of Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) jointly adopted final rules in 2000 to implement the notice requirements of the GLBA.[3] The National Credit Union Administration (NCUA), Federal Trade Commission (FTC), Securities and Exchange Commission (SEC), and Commodity Futures Trading Commission (CFTC) were part of the same interagency process, but each of these agencies issued separate rules.[4] In 2009, all of the agencies with the authority to issue rules to implement the GLBA privacy provisions issued a joint final rule with a model form that financial institutions could use, at their option, to provide the required initial and annual privacy disclosures.[5]

In 2011, the Dodd-Frank Wall Street Reform and Consumer Protection Act

[1] 15 U.S.C. 6801 *et seq.*

[2] Public Law 106–102, 113 Stat. 1338 (1999).

[3] 65 FR 35162 (June 1, 2000).

[4] 65 FR 31722 (May 18, 2000) (NCUA final rule); 65 FR 33646 (May 24, 2000) (FTC final rule); 65 FR 40334 (June 29, 2000) (SEC final rule); 66 FR 21252 (Apr. 27, 2001) (CFTC final rule).

[5] 74 FR 62890 (Dec. 1, 2009).

(Dodd-Frank Act)[6] transferred GLBA privacy notice rulemaking authority from the Board, NCUA, OCC, OTS, the FDIC, and the FTC (in part) to the Bureau.[7] The Bureau then restated the implementing regulations in Regulation P, 12 CFR part 1016, in late 2011.[8]

The Bureau has the authority to promulgate GLBA privacy rules for depository institutions and many non-depository institutions. However, rulewriting authority with regard to securities and futures-related companies is vested in the SEC and CFTC, respectively, and rulewriting authority with respect to certain motor vehicle dealers is vested in the FTC.[9] The Bureau has consulted and coordinated with these agencies and with the National Association of Insurance Commissioners (NAIC) concerning the alternative delivery method.[10] The Bureau has also consulted with other appropriate federal agencies, as required under Section 1022 of the Dodd-Frank Act.

1. Annual Privacy Notices

The GLBA and its implementing regulation, Regulation P,[11] require that financial institutions[12] provide consumers with certain notices describing their privacy policies. Financial institutions are generally required to first provide an initial notice of these policies, and then an annual notice to customers every year that the relationship continues.[13] (When a financial institution has a continuing relationship with the consumer, an annual privacy notice is required and the consumer is then referred to as a "customer.")[14] These notices describe whether and how the financial institution shares consumers' nonpublic personal information,[15] including personally identifiable financial information, with other entities. In some cases, these notices also explain how consumers can opt out of certain types of sharing. The notices further briefly describe how financial institutions protect the nonpublic personal information they collect and maintain. Financial institutions typically use U.S. postal mail to send initial and annual privacy notices to consumers.

Section 502 of the GLBA and Regulation P at § 1016.6(a)(6) also require that initial and annual notices inform customers of their right to opt out of certain financial institution sharing of nonpublic personal information with some types of nonaffiliated third parties. For example, customers have the right to opt out of a financial institution selling the names and addresses of its mortgage customers to an unaffiliated home insurance company and, therefore, the institution would have to provide an opt-out notice before it sells the information. On the other hand, financial institutions are not required to allow consumers to opt out of the institutions' sharing involving third-party service providers, joint marketing arrangements, maintaining and servicing accounts, securitization, law enforcement and compliance, reporting to consumer reporting agencies, and certain other activities that are specified in the statute and regulation as exceptions to the opt-out requirement.[16] If a financial institution limits its types of sharing to those which do not trigger opt-out rights, it may provide a "simplified" annual privacy notice to its customers that does not include opt-out information.[17]

In addition to opt-out rights under the GLBA, annual privacy notices also may include information about certain consumer opt-out rights under the FCRA. The annual privacy disclosures under the GLBA/Regulation P and affiliate disclosures under the FCRA/Regulation V interact in two ways. First, the FCRA imposes requirements on financial institutions providing "consumer reports" to others, but section 603(d)(2)(A)(iii) of the FCRA excludes from the statute's definition of a consumer report[18] the sharing of certain information about a consumer among the institution's affiliates if the consumer is notified of such sharing and is given an opportunity to opt out.[19] Section 503(c)(4) of the GLBA and Regulation P require financial institutions providing their customers with initial and annual privacy notices to incorporate into them any notification and opt-out disclosures provided pursuant to section 603(d)(2)(A)(iii) of the FCRA.[20]

Second, section 624 of the FCRA and Regulation V's Affiliate Marketing Rule provide that an affiliate of a financial institution that receives certain information (*e.g.*, transaction history)[21] from the institution about a consumer may not use the information to make solicitations for marketing purposes unless the consumer is notified of such use and provided with an opportunity to opt out of that use.[22] Regulation V also permits (but does not require) financial institutions providing their customers with initial and annual privacy notices under Regulation P to incorporate any opt-out disclosures provided under section 624 of the FCRA and subpart C of Regulation V into those notices.[23]

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[6] Public Law 111–203, 124 Stat. 1376 (2010).

[7] Public Law 111–203, section 1093. The FTC retained rulewriting authority over any financial institution that is a person described in 12 U.S.C. 5519 (*i.e.*, motor vehicle dealers predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both).

[8] 76 FR 79025 (Dec. 21, 2011).

[9] 15 U.S.C 6804, 6809; 12 U.S.C. 1843(k)(4); 12 CFR 1016.1(b).

[10] In regard to any Regulation P rulemaking, section 504 of GLBA provides that each of the agencies authorized to prescribe GLBA regulations (currently the Bureau, FTC, SEC, and CFTC) "shall consult and coordinate with the other such agencies and, as appropriate, . . . with representatives of State insurance authorities designated by the National Association of Insurance Commissioners, for the purpose of assuring, to the extent possible, that the regulations prescribed by each such agency are consistent and comparable with the regulations prescribed by the other such agencies." 15 U.S.C. 6804(a)(2).

[11] 12 CFR part 1016.

[12] Regulation P defines "financial institution." *See* 12 CFR 1016.3(l).

[13] 12 CFR 1016.4, 1016.5(a)(1).

[14] 12 CFR 1016.3(i).

[15] Regulation P defines "nonpublic personal information." *See* 12 CFR 1016.3(p).

[16] 15 U.S.C. 6802(b)(2), (e); 12 CFR 1016.13, 1016.14, 1016.15.

[17] Section 1016.6(c)(5) allows financial institutions to provide "simplified notices" if they do not disclose, and do not wish to reserve the right to disclose, nonpublic personal information about customers or former customers to affiliates or nonaffiliated third parties except as authorized under §§ 1016.14 and 1016.15. The exceptions at §§ 1016.14 and 1016.15 track statutory exemptions and cover a variety of situations, such as maintaining and servicing the customer's account, securitization and secondary market sale, and fraud prevention. They directly exempt institutions from the opt-out requirements. The exception that includes service providers and joint marketing arrangements, at § 1016.13, is also statutory, but financial institutions that share according to this exception may not use the simplified notice, even though consumers cannot opt out of this sharing.

[18] The FCRA defines "consumer report" generally as "any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for: (A) Credit or insurance to be used primarily for personal, family, or household purposes; (B) employment purposes; or (C) any other purpose authorized under section 1681b of this title." 15 U.S.C. 1681a.

[19] 15 U.S.C. 1681a(d)(2)(A)(iii).

[20] 15 U.S.C. 6803(c)(4); 12 CFR 1016.6(a)(7).

[21] The type of information to which section 624 applies is information that would be a consumer report, but for the exclusions provided by section 603(d)(2)(A)(i), (ii), or (iii) of the FCRA (*i.e.*, a report solely containing information about transactions or experiences between the consumer and the institution making the report, communication of that information among persons related by common ownership or affiliated by corporate control, or communication of other information as discussed above).

[22] 15 U.S.C. 1681s–3 and 12 CFR part 1022, subpart C.

[23] 12 CFR 1022.23(b).

2. Method of Delivering Annual Privacy Notices

Section 503 of the GLBA sets forth the requirement that financial institutions provide initial and annual privacy disclosures to consumers. Specifically, it states that "a financial institution shall provide a clear and conspicuous disclosure to such consumer, *in writing or in electronic form or other form permitted by the regulations* prescribed under section 6804 of this title, of such financial institution's policies and practices with respect to" disclosing and protecting consumers' nonpublic personal information.[24] Although financial institutions provide most annual privacy notices by U.S. postal mail, Regulation P allows financial institutions to provide notices electronically (*e.g.*, by email) to customers with their consent.[25]

B. CFPB Streamlining Initiative

In pursuit of the Bureau's goal of reducing unnecessary or unduly burdensome regulations, the Bureau in December 2011 issued a Request for Information seeking specific suggestions from the public for streamlining regulations the Bureau had inherited from other Federal agencies (Streamlining RFI). In that RFI, the Bureau specifically identified the annual privacy notice as a potential opportunity for streamlining and solicited comment on possible alternatives to delivering the annual privacy notice.[26]

Numerous industry commenters strongly advocated eliminating or limiting the annual notice requirement. They stated that most customers ignore annual privacy notices. Even if customers do read them, according to industry stakeholders, the content of these disclosures provides little benefit, especially if customers have no right to opt out of information sharing because the financial institution does not share nonpublic personal information in a way that triggers such rights. Financial institutions argued that mailing these notices imposes significant costs and that there are other ways of conveying to customers the information in the written notices just as effectively but at a lower cost. Several industry commenters suggested that if an institution's privacy notice has not changed, the institution should be allowed to communicate on the consumer's periodic statement, via email, or by some other cost-effective means that the annual privacy notice is available on its Web site or upon request, by telephone.[27]

A banking industry trade association and other industry commenters suggested that the Bureau eliminate or ease the annual notice requirement for financial institutions if their privacy policies have not changed and they do not share nonpublic personal information beyond the exceptions allowed by the GLBA (*e.g.*, the exception that allows sharing nonpublic personal information with the servicer of an account). They argued that the GLBA exceptions were crafted to allow what Congress viewed as non-problematic sharing and, therefore, the law does not require financial institutions to permit consumers to opt out of such sharing. The need for an annual notice is thus less evident if a financial institution only shares nonpublic personal information pursuant to one of these exceptions. The trade association estimated that 75% of banks do not share beyond these exceptions and do not change their notices from year to year.

Consumer advocacy groups generally stated that customers benefit from financial institutions providing them with printed annual privacy notices, which may remind customers of privacy rights that they may not have exercised previously. Consumer representatives argued that these notices make customers aware of their privacy rights in regard to financial institutions, even if customers have no opt-out rights. One compliance company commenter agreed with the consumer groups' view of the importance of the notices. One advocacy group suggested that a narrow easing of annual notice requirements where a financial institution shares information only with affiliates might not be objectionable, although it did not support changing the current requirements. The Bureau did not receive any comment on the annual privacy notice change from privacy advocacy groups.

C. Understanding the Effects of Certain Deposit Regulations—Study

In November 2013, the Bureau published a study assessing the effects of certain deposit regulations on financial institutions' operations.[28] This study provided operational insights from seven banks about their annual privacy notices.[29] Many of these banks use third-party vendors, who design or distribute the notices on the banks' behalf. All seven participants provided the annual notice as a separate mailing, which resulted in higher costs for postage, materials, and labor than if the notice were mailed with other material. Some financial institutions apparently send separate mailings to ensure that their disclosures are "clear and conspicuous,"[30] although 2009 guidance from the eight agencies promulgating the model privacy form explained that a separate mailing is not required.[31] This separate mailing practice contrasts with the usual financial institution preference (particularly for smaller study participants) to bundle mailings with monthly statements. Indeed, subsequent Bureau outreach suggests that many financial institutions do mail the annual privacy notice with other materials. Finally, while the study participants echoed the sentiment that few customers read privacy notices, participant banks with call centers also reported that after they send annual notices, the number of customers who call about the banks' privacy policies increases.

[24] 15 U.S.C. 6803(a) (emphasis added).

[25] 12 CFR 1016.9(a) states that a financial institution may deliver the notice electronically if the consumer agrees. After discussions with industry stakeholders, however, the Bureau believes that most consumers do not receive electronic disclosures.

[26] 76 FR 75825, 75828 (Dec. 5, 2011).

[27] On a related issue, industry commenters stated that the annual notice causes confusion and unnecessary opt-out requests from customers who do not recall that they have already opted out in a previous year. As stated in the Supplementary Information to the Final Model Privacy Form Under the Gramm-Leach-Bliley Act, a financial institution is free to provide additional information in other, supplemental materials to customers if it wishes to do so. See 74 FR at 62908. For example, a financial institution that uses the model form could include supplemental materials outside the model form advising those customers who previously opted out that they do not need to opt out again if the institution has not changed its notice to include new opt-out options. *See* 74 FR at 62905. In the proposed rule, the Bureau requested comment on whether financial institutions would want to include on the privacy notice itself a statement describing the customer's opt-out status. The response to this request was overwhelmingly negative, with industry commenters stating that indicating opt-out status on the annual notice would add significant costs because the financial institution would have to track customers' status and send specific, different forms.

[28] Consumer Financial Protection Bureau, "*Understanding the Effects of Certain Deposit Regulations on Financial Institutions' Operations: Findings on Relative Costs for Systems, Personnel, and Processes at Seven Institutions*" (Nov. 2013), *available at http://files.consumerfinance.gov/f/201311_cfpb_report_findings-relative-costs.pdf.*

[29] Information collected for the study may be used to assist the Bureau in its investigations of "the effects of a potential or existing regulation on the business decisions of providers." OMB Information Request—Control Number: 3170–0032.

[30] 15 U.S.C. 6803 ("[In the initial and annual privacy notices] a financial institution shall provide a clear and conspicuous disclosure. . . ."); 12 CFR 1016.3(b)(1) (defining "clear and conspicuous" as "reasonably understandable and designed to call attention to the nature and significance of the information in the notice.")

[31] *See* 74 FR at 62897–62898.

D. Further Outreach

In addition to the consultations with other government agencies discussed above, while preparing the proposed rule the Bureau conducted further outreach to industry and consumer advocate stakeholders. The Bureau held meetings with consumer groups, including groups and individuals with a specific interest in privacy issues. The Bureau also held meetings with industry groups that represent institutions that must comply with the annual privacy notice requirement, including banks, credit unions, mortgage servicers, and debt buyers.

As with the responses to the Streamlining RFI, the consumer groups generally expressed the view that mailed privacy notices were useful, even when no opt-out rights were present, and that changes were not necessary. Among other comments, they suggested that the Bureau promote the use of the Regulation P model form. The industry participants also generally expressed similar views to those expressed by industry in response to the Streamlining RFI. They supported creation of an alternative delivery method for annual privacy notices.[32]

E. Comments on the Proposed Rule

On May 13, 2014, the Bureau published a proposed rule in the **Federal Register** to amend 12 CFR 1016.9, the Regulation P provision on annual privacy notices.[33] The comment period closed on July 14, 2014. In response to the proposal, the Bureau received approximately 130 comments from industry trade associations, consumer groups, public interest groups, individual financial institutions, and others. As discussed in more detail below, the Bureau has considered these comments in adopting this final rule.

Two commenters discussed the proposed rule's relation to and potential conflicts with the law of certain states. During the preparation of this final rule, the Bureau consulted with the two states that were identified as having laws that might preclude use of the alternative delivery method and explained the nature and benefits of the change being made to Regulation P. The two states are reviewing their laws and considering how to proceed.

[32] Recently Congress considered proposed legislation that would provide burden relief as to annual privacy notices, though no law has been enacted. *See, e.g.*, H.R. 749, passed by the House and referred to the Senate in March of 2013; and S. 635, introduced in the Senate in late 2013.

[33] *See* 79 FR 27214 (May 13, 2014). The Bureau subsequently extended the comment deadline. 79 FR 30485 (May 28, 2014).

F. Effective Date

Numerous industry commenters requested that any final rule adopted be made effective immediately, to make the rule's benefits available as soon as possible. An agency must allow 30 days before a substantive rule is made effective, unless, among other things, the rule "grants or recognizes an exemption or relieves a restriction" [34] or "as otherwise provided by the agency for good cause found and published with the rule." [35] This rule recognizes an exemption from or relieves a restriction on providing the Regulation P annual privacy notice according to the standard delivery methods, and does not create any new requirement because a financial institution can choose not to use the new method. Accordingly, the 30 day delay in effective date does not apply and the Bureau finds good cause to make this rule effective immediately on publication in the **Federal Register**, in order to allow financial institutions and consumers to enjoy the benefits of this rule as soon as possible.

G. Privacy Considerations

In developing the proposed rule and this final rule, the Bureau considered its potential impact on consumer privacy. The rule will not affect the collection or use of consumers' nonpublic personal information by financial institutions. The rule will expand the permissible methods by which financial institutions subject to Regulation P may deliver annual privacy notices to their customers in limited circumstances. Among other limitations, it will not expand the permissible delivery methods if financial institutions make various types of changes to their annual privacy notices or if their annual privacy notices afford customers the right to opt out of financial institutions' sharing of customers' nonpublic personal information. The rule is designed to ensure that when the alternative delivery method is used, customers will continue to have access to clear and conspicuous annual privacy notices.

III. Legal Authority

The Bureau is issuing this final rule pursuant to its authority under section 504 of the GLBA, as amended by section 1093 of the Dodd-Frank Act.[36] The Bureau is also issuing this rule pursuant to its authority under sections 1022 and 1061 of the Dodd-Frank Act.[37]

[34] 5 U.S.C. 553(d)(1).

[35] 5 U.S.C. 553(d)(3).

[36] 15 U.S.C. 6804.

[37] 12 U.S.C. 5512, 5581.

Prior to July 21, 2011, rulemaking authority for the privacy provisions of the GLBA was shared by eight federal agencies: The Board, the FDIC, the FTC, the NCUA, the OCC, the OTS, the SEC, and the CFTC. The Dodd-Frank Act amended a number of Federal consumer financial laws, including the GLBA. Among other changes, the Dodd-Frank Act transferred rulemaking authority for most of Subtitle A of Title V of the GLBA, with respect to financial institutions described in section 504(a)(1)(A) of the GLBA, from the Board, FDIC, FTC, NCUA, OCC, and OTS (collectively, the transferor agencies) to the Bureau, effective July 21, 2011.

IV. Section-by-Section Analysis

Section 1016.1—Purpose and Scope

The Bureau is making technical corrections to two U.S. Code citations in § 1016.1(b)(1).

Section 1016.9—Delivering Privacy and Opt-Out Notices

Section 1016.9 of Regulation P describes how a financial institution must provide both the initial notice required by § 1016.4 and the annual notice required by § 1016.5. Specifically, existing § 1016.9(a) requires the notice to be provided so that each consumer can reasonably be expected to receive actual notice in writing or, if the consumer agrees, electronically. Existing § 1016.9(b) provides examples of delivery that will result in reasonable expectation of actual notice, including hand delivery, delivery by mail, or electronic delivery for consumers who conduct transactions electronically. Existing § 1016.9(c), redesignated by this final rule as § 1016.9(c)(1), provides examples regarding reasonable expectation of actual notice that apply to annual notices only.

In the proposed rule, the Bureau proposed to add § 1016.9(c)(2), which would create an alternative delivery method for annual privacy notices, by which financial institutions that met certain requirements could comply with the annual notice requirement in § 1016.9(a). For the reasons discussed below, the Bureau is adopting § 1016.9(c)(2) substantially as proposed, with certain minor modifications.

Proposed Rule

As stated above, the Bureau proposed to add § 1016.9(c)(2), which would create an alternative delivery method for annual privacy notices, by which financial institutions that met certain requirements could comply with the

annual notice requirement in § 1016.9(a). The Bureau proposed to allow use of the alternative delivery method to reduce information overload, specifically by eliminating duplicative paper privacy notices in situations in which the customer generally has no ability to opt out of the financial institution's information sharing.[38] Moreover, the Bureau proposed to allow use of the alternative delivery method to decrease the burden on financial institutions of delivering notices, while typically continuing to require delivery of notices pursuant to the standard methods in situations in which customers could opt out of information sharing.

Under the alternative delivery method as proposed, customers would have access via financial institutions' Web sites (or by postal mail on request) to annual privacy notices that are conveyed via the model form, that generally do not inform customers of any right to opt out, and that repeat the same information as in previous privacy notices. Further, because financial institutions would be required to post their privacy notices continuously on their Web sites, customers would be able to access privacy notices throughout the year rather than waiting for an annual mailing. Financial institutions would be required to deliver to customers an annual reminder, on another notice or disclosure, of the availability of the privacy notice on the institution's Web site and by mail upon telephone request. In light of these considerations, the Bureau believed that where the conditions set forth in the proposed rule would be satisfied, any incremental benefit in terms of customers' awareness of privacy issues that might accrue from requiring delivery of the annual privacy notice pursuant to the standard methods would be outweighed by the costs of providing the notice, costs that ultimately might be passed through to customers.

Comments

In the proposed rule, the Bureau sought data and other information concerning the effect on customer privacy rights if financial institutions were to use the alternative delivery method rather than the standard delivery methods. The Bureau further requested comment on whether the proposed alternative delivery method would be effective in reducing the potential for information overload on customers and reducing the burden on financial institutions of mailing hard copy privacy notices.

Comments from industry and consumer and public interest groups stated that the alternative delivery method would be beneficial to or have no effect on customers' awareness and exercise of their privacy rights under Regulation P. Industry commenters indicated that the proposal would reduce information overload. In regard to burden reduction, comments and earlier outreach indicated that a majority of credit unions, a large number of banks, and many other financial institutions would benefit from being able to use the alternative delivery method. In addition, proposal comments and earlier outreach have indicated that small financial institutions are less likely to share their customers' nonpublic personal information in a way that triggers customers' opt-out rights, and so it is likely that many of those small institutions can decrease their costs through the use of the alternative delivery method.

Many industry commenters, however, objected to certain aspects and requirements of the alternative delivery method, and stated that eliminating these conditions and requirements would significantly increase the rule's burden reduction. Consumer and public interest groups, though, supported the inclusion of the conditions and requirements. These comments are discussed below in relation to the specific provisions they address.

In the proposal, the Bureau noted that the alternative delivery method would be available where customers have already consented to receive their privacy notices electronically pursuant to § 1016.9(a) and invited comment regarding how often privacy notices are delivered electronically under existing Regulation P. The Bureau further invited comment on whether the proposed alternative delivery method is appropriate for customers who already receive privacy notices electronically and whether financial institutions that currently provide the notice electronically would be likely to use the proposed alternative delivery method. Only a few commenters addressed this issue. Some financial institutions indicated that most customers do not receive their annual privacy notices by electronic means, but that the institutions may want to use the alternative delivery method for those that do. The institutions also requested clarification of how this should be done.

In the proposed rule, the Bureau also noted that potential comparison shopping by consumers among financial institutions based on privacy policies was one of the objectives that GLBA model privacy notices, primarily initial privacy notices, were intended to accomplish. *See* 15 U.S.C. 6803(e).[39] The Bureau invited empirical data on whether consumers do comparison shop among financial institutions based on privacy notices. The Bureau did not receive any such data.

Final Rule

As explained in the proposed rule, the specific language of section 503(a) of the GLBA grants some latitude in specifying by rule the method of conveying the annual notices, as long as a "clear and conspicuous disclosure" is provided "in writing or in electronic form or other form permitted by the regulations." The Bureau's statutory interpretation allowing the alternative delivery method provision to satisfy this disclosure requirement applies only to the specific type of disclosure involved in the rule and in the limited circumstances presented here, pursuant to the specific language of GLBA section 503.

In relation to the comments regarding notices currently delivered electronically, the Bureau reiterates that the alternative delivery method is available in lieu of the existing standard delivery methods including electronic delivery. In addition, as discussed below, the Bureau now clarifies that the notice of availability required by § 1016.9(c)(2)(ii)(A) may be included on account statements, coupon books, or notices or disclosures an institution is required or expressly and specifically permitted to issue to the customer under any other provision of law and delivered through a means otherwise permitted for that type of account statement, coupon book, or notice or disclosure, including electronic delivery where applicable. For example, the notice of availability may be included on a mortgage loan's periodic statement that is delivered electronically if the electronic delivery is in compliance with the Electronic Signatures in Global

[38] The Bureau noted in the proposed rule that the alternative delivery method would be available even where a notice and opt out is offered under the Affiliate Marketing Rule, subpart C of 12 CFR part 1022, which relates to marketing based on information shared by a financial institution, as long as the Affiliate Marketing Rule notice and opt out is also provided separately from the Regulation P annual privacy notice. (For example, this separate Affiliate Marketing Rule notice and opt-out can be provided on the *initial* privacy notice under Regulation P, which cannot be delivered via the alternative delivery method in any case.) The final rule adopts this approach. *See* the section-by-section discussion of § 1016.9(c)(2)(i)(C), below.

[39] Facilitating comparison shopping based on privacy policies was also mentioned repeatedly in the preamble to the model privacy notice rule. *See generally* 74 FR 62890.

and National Commerce Act[40] (E-Sign) as required by Regulation Z.[41]

The Bureau adopts § 1016.9(c)(2) substantially as proposed, with minor modifications. Comments on the specific provisions of § 1016.9(c)(2), and the specific provisions as adopted in this final rule, are discussed more fully below.

Section 1016.9(c)(2) Alternative Method for Providing Certain Annual Notices

Section 1016.9(c)(2)(i)

Proposed § 1016.9(c)(2) would have set forth an alternative to § 1016.9(a) for providing certain annual notices. Proposed § 1016.9(c)(2)(i) would have provided that, notwithstanding the general notice requirement in § 1016.9(a), a financial institution may use the alternative method set forth in proposed § 1016.9(c)(2)(ii) to satisfy the requirement in § 1016.5(a)(1) to provide an annual notice if the institution met certain conditions as specified in proposed § 1016.9(c)(2)(i)(A) through (E). The Bureau is adopting § 1016.9(c)(2)(i) as proposed. The Bureau also proposed certain technical amendments to accommodate the new provision, which are adopted unchanged in the final rule.[42]

Comments

The Bureau invited comment generally on the conditions in proposed § 1016.9(c)(2)(i)(A) through (E) and whether any of those conditions should not be required or whether additional conditions should be added. Commenters generally discussed the conditions individually, and those comments are discussed in regard to each of those individual conditions below. No industry commenters suggested additional conditions. A consumer group and an academic commenter suggested unrelated enhancements to the privacy notice regulations that would severely impede the burden reduction achieved by this rule and have not been adopted. An industry trade association suggested that the Bureau remove the required conditions because the alternative delivery method is superior to the standard methods, and all customers and financial institutions should benefit from its use in all circumstances. Other industry commenters suggested that the conditions were unnecessary because customers do not read the notices anyway. Several industry commenters suggested that the Bureau's rule should not put more restrictions on the web posting of privacy notices than related pending legislation in Congress would if such legislation were enacted.[43]

Final Rule

The Bureau adopts § 1016.9(c)(2)(i) as proposed. The Bureau believes that the alternative delivery method provides appropriate and sufficient notice if a privacy notice has not changed and is not needed to inform the customer of his or her opt-out rights. The Bureau, however, also believes that generally requiring financial institutions to use the standard delivery methods for notices that have changed or that are required to inform consumers of opt-out rights, is more consistent with the importance to the GLBA statutory scheme of customers' ability to exercise opt-out rights. The Bureau also believes that the continued use of standard delivery methods in these circumstances is more consumer-friendly than allowing use of the alternative delivery method where notices have changed or are required to inform customers of opt-out rights. In regard to pending bills in Congress, the Bureau notes that the final rule is promulgated to implement the current GLBA statutory scheme.

Section 1016.9(c)(2)(i)(A)

Proposed § 1016.9(c)(2)(i)(A) would have set forth the first condition for using the alternative delivery method: That the financial institution does not share the customer's information with nonaffiliated third parties other than through the activities specified under §§ 1016.13, 1016.14 and 1016.15 that do not trigger opt-out rights under the GLBA. For the reasons discussed below, the Bureau is finalizing § 1016.9(c)(2)(i)(A) as proposed, with minor technical revisions.

Proposed Rule

For the reasons stated in the proposal, the Bureau proposed to continue to require standard delivery of the annual notice where customers have opt-out rights. The Bureau further proposed limiting the alternative delivery method to circumstances in which customers have no information sharing opt-out rights under Regulation P as a way to reduce the burden of compliance generally while still mandating the use of the standard delivery methods to ensure that customers have direct notice of any opt-out rights they have. This approach was also reflected in proposed § 1016.9(c)(2)(i)(B) and (C), discussed in detail below, which would have limited the use of the alternative delivery method where a financial institution shares customer information with affiliates in a way that triggers opt-out rights under FCRA sections 603(d)(2)(A)(iii) and 624.

Comments

Many commenters addressed § 1016.9(c)(2)(i)(A), (B), and (C) (the "opt-out conditions") collectively without distinguishing among them.[44] For example, several consumer and privacy advocacy groups stated that they supported finalizing the opt-out conditions because many customers will not take the additional steps necessary to access or receive a privacy notice under the alternative delivery method and that it is therefore appropriate to permit use of it only if a customer does not have opt-out rights. Similarly, a civil rights public interest group supported the opt-out conditions in part, stating that these limitations would incentivize financial institutions not to share their customers' information. An organization representing state banking regulators also generally supported the proposed conditions for the alternative delivery method without specifically commenting on the opt-out conditions. Several individual credit unions and community banks either expressly supported the opt-out conditions or supported the proposal generally without addressing the opt-out conditions. Many financial institution commenters also expressed support for legislation currently pending in Congress that would either eliminate the requirement to provide an annual notice or allow an institution to provide access to an annual notice electronically if a financial institution does not share information in a way that triggers opt-out rights under the GLBA and other conditions are met.[45]

In contrast, however, other industry commenters, especially those representing larger financial institutions, objected to limiting the alternative delivery method to financial institutions that are not required to provide opt-out rights to their

[40] 15 U.S.C. 7001–7031.

[41] *See* 12 CFR 1026.31(b) and 1026.41.

[42] Existing § 1016.9(c) is redesignated as § 1016.9(c)(1) and its subparagraphs redesignated as § 1016.9(c)(1)(i) and (ii), respectively, to accommodate the addition of § 1016.9(c)(2). The Bureau is also adding a heading to new paragraph (c)(1) for technical reasons.

[43] Certain requirements for use of the alternative delivery method, such as those relating to FCRA opt-outs and use of the model privacy form, are not mentioned in any of the versions of this pending legislation.

[44] To the extent that commenters distinguished among the opt-out conditions, they focused on the conditions proposed in § 1016.9(c)(2)(i)(B) and (C) which are discussed in detail in the section-by-section analysis below.

[45] *See, e.g.*, H.R. 749, passed by the House and referred to the Senate in March of 2013; and S. 635, introduced in the Senate in late 2013.

customers, stating that such conditions would prevent them from using the alternative delivery method. These commenters stated that most large financial institutions, including most large non-bank financial institutions, share information in such a way that they are required to offer opt-out rights to their customers under either the GLBA or the FCRA (or both) and thus they would not be able to use the proposed alternative delivery method.[46] These commenters asserted that the opt-out conditions would significantly limit the burden reduction from the proposal.

Moreover, commenters objecting to not allowing the use of the alternative delivery method if customers have opt-out rights stated that customers only very infrequently exercise their rights to opt out of information sharing after receiving mailed annual privacy notices and thus the Bureau does not need to require standard delivery of notices even if opt-out rights exist. One national trade association representing business interests stated that the Bureau's admission in the proposal that it is unlikely that fewer customers would read the privacy notice if financial institutions deliver it pursuant to the alternative method than read it if mailed undercuts the notion that mailed notices are more effective.

Final Rule

The Bureau is adopting § 1016.9(c)(2)(i)(A) as proposed except for technical revisions to revise the wording from "share with" to "disclose to" to be consistent with most of the rest of the existing rule text in part 1016 and to clarify that the information that may not be disclosed is the "customer's nonpublic personal information." The Bureau is aware that the proposed opt-out conditions in § 1016.9(c)(2)(i)(A), (B), and (C) will preclude some financial institutions from using the alternative delivery method. Nonetheless, the Bureau believes that because of the importance to the statutory scheme of customers' ability to exercise opt-out rights, financial institutions must continue to satisfy requirements to provide information about these rights through the standard delivery methods. In addition, as shown by the Bureau's research in connection with the proposal[47] and by comments received on the proposal, the Bureau believes that even with these conditions, many financial institutions will be able to use the alternative method which will relieve burden for them and reduce information overload for their customers.[48] With respect to the comment that few customers opt out of information sharing when they receive notices through the standard delivery methods, the Bureau believes that standard delivery of the annual privacy notice is a more consumer-friendly method for conveying the existence of opt-out rights to customers and allowing them to exercise those rights. As to whether fewer customers will read the privacy notice when delivered pursuant to the alternative delivery method, the Bureau notes that there is no reliable evidence bearing on this question. In the absence of such evidence the Bureau opts to continue the standard delivery methods (*e.g.*, mail) that require the least amount of effort from consumers to exercise their opt-out rights.

Section 1016.9(c)(2)(i)(B) and 9(c)(2)(i)(C)

Proposed § 1016.9(c)(2)(i)(B) would have set forth the second condition for using the alternative delivery method for the annual privacy notice: That the financial institution not include on its annual notice an opt out under section 603(d)(2)(A)(iii) of the FCRA.[49] Proposed § 1016.9(c)(2)(i)(C) would have presented the third condition for using the alternative delivery method: that the annual privacy notice is not the only notice provided to satisfy the requirements of section 624 of the FCRA[50] and subpart C of 12 CFR part 1022 (the "Affiliate Marketing Rule"). For the reasons discussed below, the Bureau is finalizing § 1016.9(c)(2)(i)(B) as proposed and is finalizing § 1016.9(c)(2)(i)(C) as revised.

Proposed Rule

As discussed in part II above, FCRA section 603(d)(2)(A)(iii) excludes from the statute's definition of "consumer report" a financial institution's sharing of certain information about a consumer with its affiliates if the financial institution provides the consumer with notice and an opportunity to opt out of the information sharing. Section 503(b)(4) of the GLBA expressly requires a financial institution's privacy notice to include any disclosures the financial institution is required to make under section 603(d)(2)(A)(iii) of the FCRA, if any. Section 1016.6(a)(7), which implements this statutory directive, requires a financial institution's privacy notice to include any disclosures the institution makes under section 603(d)(2)(A)(iii). As stated in the proposal, because the Bureau proposed the alternative delivery method be available only if notices are not required to inform customers of opt-out rights, proposed § 1016.9(c)(2)(i)(B) provided that annual notices that inform customers of FCRA section 603(d)(2)(A)(iii) opt-out rights, like notices that inform customers of GLBA opt-out rights, would have to continue to be delivered pursuant to the standard delivery methods.

In contrast to the FCRA section 603(d)(2)(A)(iii) notice and opt-out right, the Affiliate Marketing Rule notice and opt out is not required by either the GLBA or Regulation P to be included on the annual privacy notice. The Affiliate Marketing Rule notice and opt out *may* be included on this notice, however. Given that the Affiliate Marketing Rule notice and opt out is not required on the annual privacy notice (and indeed does not have to be provided annually),[51] the Bureau believes, as stated in the proposal, that including the Affiliate Marketing Rule opt-out on the annual notice should not preclude a financial institution from using the alternative delivery method. The Bureau therefore proposed § 1016.9(c)(2)(i)(C), which would have allowed a financial institution to use the alternative delivery method if it provides the customer with an opt-out right under the Affiliate Marketing Rule as long as the Regulation P annual privacy notice was not the only notice provided to satisfy the Affiliate Marketing Rule, if applicable.

As it did in the proposal, the Bureau notes that the required duration of a consumer opt-out under the Affiliate Marketing Rule depends on whether the Affiliate Marketing Rule notice and opt out is included as part of the Regulation P model privacy notice or issued separately. If a financial institution includes the Affiliate Marketing Rule notice and opt out on the model privacy notice, Regulation P requires that opt out to be of indefinite duration.[52] In contrast, if a financial institution provides the Affiliate Marketing Rule

[46] A national trade association representing business interests stated that banks that hold collectively half of all U.S. deposits would not be able to use the alternative delivery method as proposed.

[47] 79 FR at 27227.

[48] Apart from individual institutions that stated whether they would be able to use the alternative method, few commenters provided data on how many financial institutions would be precluded from using the alternative delivery method because of the opt-out condition. One state association representing banks did provide such data noting that only 11 of 99 banks that responded to the association's survey would not be eligible to use the proposed alternative delivery method.

[49] 15 U.S.C. 1681a(d)(2)(A)(iii).

[50] 15 U.S.C. 1681s–3.

[51] 72 FR 62910, 62930 (Nov. 7, 2007).

[52] Regulation P provides, "Institutions that include this reason [for sharing or using personal information] must provide an opt-out of indefinite duration." Appendix to part 1016 at C.2.d.6.

notice and opt out separately, Regulation V allows the opt out to be offered for as few as five years, subject to renewal, and the disclosure of the duration of the opt out must be included on the separate notice.[53] As stated in the proposal, the Bureau believes that prohibiting the use of the alternative delivery method if a financial institution voluntarily includes the Affiliate Marketing Rule notice and opt-out on its annual privacy notice could discourage financial institutions from including it. If so, it could be to the detriment of consumers who otherwise likely would not receive annual notice of their Affiliate Marketing Rule opt-out right.

Comments

Comments that addressed the three opt-out conditions in proposed § 1016.9(c)(2)(i)(A), (B), and (C) are discussed collectively above in the section-by-section analysis of § 1016.9(c)(2)(i)(A). Though many commenters generally supported the opt-out conditions, they did not separately discuss § 1016.9(c)(2)(i)(B) or (C). Commenters who specifically addressed § 1016.9(c)(2)(i)(B) and (C) stated that because FCRA-covered information sharing with affiliates is more widespread among financial institutions than information sharing with third-parties not covered by a GLBA exception, these FCRA conditions were likely to prevent many more financial institutions from taking advantage of the alternative delivery method than § 1016.9(c)(2)(i)(A) relating to GLBA opt-out rights. These commenters asserted that the FCRA opt-out conditions in proposed § 1016.9(c)(2)(i)(B) and (C) should not be finalized even if the Bureau continues to require standard delivery methods to customers who have GLBA opt-out rights.

A national trade association representing the consumer credit industry stated that proposed § 1016.9(c)(2)(i)(B) and (C) would preclude non-depository institutions from using the alternative delivery method more than depository institutions because non-depository institutions tend to share information with affiliates (and thereby trigger FCRA opt-out rights) more often than depository institutions. Several state community bank and credit union associations as well as several individual community banks and credit unions objected to § 1016.9(c)(2)(i)(B) and (C) because they share information with affiliates to offer services to their customers that they otherwise could not offer. A "think tank" focused on data practices also opposed § 1016.9(c)(2)(i)(B) and (C) because it said the FCRA opt-out conditions are too limiting to financial institutions and a mailed notice is not necessary to inform customers of those opt-out rights. A mortgage industry group further opposed § 1016.9(c)(2)(i)(B) and (C) because information sharing governed by the FCRA is different in kind from that governed by the GLBA, and FCRA requirements should not determine the GLBA annual notice delivery requirements. Many industry commenters argued that the Bureau's proposal should track proposed legislation in Congress which would either eliminate the annual notice requirement or allow an institution to provide access to an annual notice electronically or in other forms if no GLBA opt-out rights exist (and certain other conditions are met). Such proposed legislation, however, does not address the relationship between an alternative delivery method and FCRA opt-out rights.

Specifically with respect to proposed § 1016.9(c)(2)(i)(C), several financial institutions stated that the requirement to separately provide the Affiliate Marketing Rule opt-out notice to use the alternative delivery method would negate the cost savings of the alternative delivery method.

Final Rule

The Bureau is finalizing § 1016.9(c)(2)(i)(B) as proposed and is finalizing § 1016.9(c)(2)(i)(C) as revised. The Bureau understands that including § 1016.9(c)(2)(i)(B) and (C) as conditions for using the alternative delivery method will limit the availability of the alternative delivery method more than if the Bureau finalized only the GLBA opt-out condition in § 1016.9(c)(2)(i)(A). The Bureau further understands that the FCRA opt-out conditions may affect certain types of financial institutions more than others. The Bureau is nonetheless persuaded, for the same reasons discussed in regard to § 1016.9(c)(2)(i)(A), that it is important for customers to receive standard delivery of the annual notice if that notice includes information concerning the right to opt out of information sharing. The Bureau believes that standard delivery is a more consumer-friendly way of notifying customers of their opt-out rights and allowing them to exercise those rights.

With respect to commenters who stated that FCRA requirements should not govern GLBA annual notice requirements, the Bureau notes that section 503(b)(4) of GLBA expressly requires that disclosures required under section 603(d)(2)(A)(iii) of FCRA be included on the GLBA privacy notice. Section 603(d)(2)(A)(iii) of the FCRA is silent as to how frequently the notice of opt-out rights must be delivered, but the agencies responsible for implementation of the GLBA interpreted it to require provision of annual notice of the FCRA section 603(d)(2)(A)(iii) opt-out right.[54] Accordingly, since it became effective in 2000, § 1016.6(a)(7) has required financial institutions that offer the FCRA section 603(d)(2)(A)(iii) opt-out to include it on their annual privacy notice. The Bureau's determination that customers should continue to receive annual notices that inform them of opt-out rights pursuant to the standard delivery methods applies equally to those FCRA opt-out rights that are required by § 1016.6(a)(7) to be included on the GLBA annual privacy notice. FCRA opt-out rights conveyed on the annual notice under § 1016.6(a)(7) are as important to customers and to the FCRA statutory scheme as the GLBA opt-out rights and thus should be delivered pursuant to the standard delivery methods.

Regarding § 1016.9(c)(2)(i)(C), the Bureau has substantially revised the provision to clarify how use of the model privacy notice to inform customers of opt-out rights under the Affiliate Marketing Rule interacts with use of the alternative delivery method. The Affiliate Marketing Rule requires that, before a financial institution may make solicitations based on eligibility information about a consumer it receives from an affiliate, the consumer must be provided with notice and an opportunity to opt out of such use. The Affiliate Marketing Rule further requires that a consumer's opt-out must be effective for a period of at least five years, but if the financial institution chooses to honor the customer's opt-out indefinitely, the notice need be delivered only once. As discussed above, this notice and opt-out may be included on a Regulation P privacy notice, but is not required to be. If the Affiliate Marketing Rule opt-out is incorporated in the model privacy notice, initial or annual, a financial institution *must* honor any customer opt-out request indefinitely.[55] Accordingly, if a financial institution chooses to include the Affiliate Marketing Rule opt-out on its model privacy notice, the institution has no further Affiliate Marketing Rule disclosure obligations after the first

[53] 12 CFR 1022.22(b), 1022.23(a)(1)(iv).

[54] 65 FR 35162, 35176 (June 1, 2000).

[55] Appendix to part 1016 at C.2.d.6.

model privacy notice is delivered and the institution is free to continue including the Affiliate Marketing Rule opt-out on the annual privacy notice without jeopardizing its ability to use the alternative delivery method.[56]

The language of § 1016.9(c)(2)(i)(C) has been revised to make this more explicit by stating that the alternative delivery method is available to a financial institution if "the requirements of [the Affiliate Marketing Rule], if applicable, have been satisfied previously or the annual privacy notice is not the only notice provided to satisfy such requirements." In light of this clarification, the Bureau disagrees with commenters who stated that there would be no cost savings from the alternative delivery method for institutions that are subject to the Affiliate Marketing Rule. If those institutions used the model privacy notice and standard delivery methods to disclose opt-out rights, then they could use the alternative delivery method for subsequent annual notices. If those institutions provided a separate Affiliate Marketing Rule opt-out because they wanted to limit the duration of that opt-out, no additional notices would be required and the alternative delivery method would still be available. If the customer had not already received the Affiliate Marketing Rule opt-out notice, the financial institution would be required to deliver that notice only once using standard methods to satisfy § 1016.9(c)(2)(i)(C). The Bureau believes that generally a customer would have already received the Affiliate Marketing Rule notice and the one-time delivery still would not negate potential savings for annual notices in subsequent years.

The Bureau acknowledges that some customers will no longer receive their annual privacy notice pursuant to standard delivery methods even though the notice informs them of a right to opt out that exists pursuant to the Affiliate Marketing Rule. The Bureau believes, however, that this concern is mitigated by the fact that if the customer had not already received notice of the Affiliate Marketing Rule opt out pursuant to standard delivery methods, the financial institution would have to provide a separate Affiliate Marketing Rule notice in order to satisfy § 1016.9(c)(2)(i)(C).[57]

[56] A financial institution could also include the Affiliate Marketing Rule opt-out on a non-model privacy notice and choose to honor opt-outs indefinitely and have no further Affiliate Marketing Rule obligations after the first privacy notice is delivered.

[57] Alternatively, the financial institution could continue to use the current delivery method and include the Affiliate Marketing opt out on the annual privacy notice, with no separate notice required.

The Bureau considered but decided against prohibiting use of the alternative delivery method where a financial institution provides an opt out under the Affiliate Marketing Rule because neither the GLBA nor Regulation P requires the Affiliate Marketing Rule opt-out to be included on the annual privacy notice.

Section 1016.9(c)(2)(i)(D)

Proposed § 1016.9(c)(2)(i)(D) would have presented the fourth condition for using the alternative delivery method: That the information a financial institution is required to convey on its annual privacy notice pursuant to § 1016.6(a)(1) through (5), (8) and (9) has not changed since the immediately previous privacy notice (whether initial or annual) to the customer. For the reasons discussed below, the Bureau is adopting § 1016.9(c)(2)(i)(D) with some modifications.

Proposed Rule

The Bureau proposed to provide more flexibility in the method of delivering a notice that has not changed because it believed that delivery of the annual notice by the standard delivery methods is likely less useful if the customer has already received a privacy notice, the financial institution's sharing practices remain generally unchanged since that previous notice, and the other requirements of § 1016.9(c)(2)(i) are met. Proposed § 1016.9(c)(2)(i)(D) would have listed the specific disclosures of the privacy notice that must not change for a financial institution to take advantage of the alternative delivery method: § 1016.9(a)(1) through (5), (8), and (9).

The Bureau explained that the disclosures required by § 1016.6(a)(1) through (5) and (9) describe categories of nonpublic personal information collected and disclosed and categories of third parties with whom that information is disclosed. Accordingly, only a change in or addition of a category of information collected or shared or in a category of third party with whom the information is shared would have prevented a financial institution from satisfying proposed § 1016.9(c)(2)(i)(D) based on the disclosures required by § 1016.6(a)(1) through (5) and (9). The Bureau also explained that the disclosure required by § 1016.6(a)(8) would disallow use of the alternative delivery method if a financial institution changed the required description of its policies and practices with respect to protecting the confidentiality and security of nonpublic personal information. The Bureau explained that changes in the description of a financial institution's data security policy likely are significant enough that when they occur, the annual privacy notice should continue to be delivered according to the standard delivery methods. Indeed, in light of recent large-scale data security breaches, some customers may be more interested in the data security policies of their financial institutions than they were previously. The Bureau further noted in the proposal that stylistic changes in the wording of the notice that do not change the information conveyed on the notice would not prevent a financial institution from satisfying proposed § 1016.9(c)(2)(i)(D).

Comments

Most commenters that addressed § 1016.9(c)(2)(i)(D) supported the proposed requirement. A national association representing student loan servicers stated that proposed § 1016.9(c)(2)(i)(D) is the most important element of the requirements for using the alternative delivery method. Several national associations representing both large and small financial institutions suggested retaining the requirement in § 1016.9(c)(2)(i)(D), even though they advocated alternatives to other components of the proposal. As noted in the section-by-section analyses of § 1016.9(c)(2)(i)(A) and (B), many commenters expressed their support for legislation pending in Congress that is somewhat similar to the proposal and includes the requirement that the financial institution's privacy notice remain unchanged from the previous notice. In contrast, a national business coalition relating to online privacy criticized proposed § 1016.9(c)(2)(i)(D) as significantly reducing the opportunity for financial institutions to use the alternative delivery method, in conjunction with the other requirements of proposed § 1016.9(c)(2)(i).

Most other commenters suggested technical changes to proposed § 1016.9(c)(2)(i)(D) or requested clarification. A state association representing credit unions and a community bank commented that a revised privacy notice is required by § 1016.8 if a financial institution shares information other than as described in the initial privacy notice. It thus proposed that § 1016.9(c)(2)(i)(D) should allow financial institutions to use the alternative delivery method if the information disclosed on the privacy notice has not changed since the immediately previous privacy notice, initial, annual, or revised.

A compliance services company commented that Regulation P requires

information to be included on the model privacy notice that, if changed, might be significant for customers but is not included in § 1016.9(c)(2)(i)(D). Such information includes the name of the financial institution providing the notice, changes in the definitions section of the notice which describes the financial institution's affiliates, nonaffiliates with whom it shares information, and joint marketing practices, and changes in the "Other Important Information" section of the model form, such as those involving state law requirements. The compliance services company further commented that the statement on the notice of availability required by § 1016.9(c)(2)(ii)(A) that "our privacy policy has not changed" could be inaccurate if such information had in fact changed. Moreover, the compliance services company also explained that the Bureau's statement in the proposal that a financial institution could change its privacy policy so as to eliminate information sharing that triggers opt-out rights and then make use of the alternative delivery method for the next annual privacy notice [58] conflicts with § 1016.9(c)(2)(i)(D) as proposed. According to the commenter, eliminating a category of affiliates with whom the financial institution shares information would trigger changes to the disclosure required by § 1016.6(a)(2) and thus would prevent a financial institution from complying with proposed § 1016.9(c)(2)(i)(D).

Lastly, the compliance services company requested guidance on the sequence of events that would allow a financial institution to use the alternative delivery method after a privacy policy change occurs. For example, the company asked for clarification on when a revised notice should be sent, a time period after the notice of availability was delivered within which the institution would be required to implement the requirements for Web site posting and establishing a telephone number to request the privacy notice, and a time frame after the change for the institution to wait before it starts using the statement that "our privacy policy has not changed."

Final Rule

The Bureau is adopting § 1016.9(c)(2)(i)(D) with some modifications. Regarding the comment that proposed § 1016.9(c)(2)(i)(D) renders the alternative delivery method of limited availability to financial institutions, the Bureau believes that requiring notices that have changed to be delivered pursuant to standard delivery methods is a more consumer-friendly way of notifying customers of changes than requiring consumers to affirmatively seek out information about the changed policy. As to revised privacy notices, the Bureau agrees that a financial institution that has used standard delivery methods to provide customers with a revised privacy notice under § 1016.8 should be able to use the alternative delivery method for its next annual notice. Accordingly, the Bureau is revising proposed § 1016.9(c)(2)(i)(D) to permit a financial institution to use the alternative delivery method if the information contained on its privacy notice has not changed since it provided the immediately previous privacy notice (whether initial, annual, or revised).

Regarding the comment that some pertinent information on the privacy notice could change and proposed § 1016.9(c)(2)(i)(D) would still permit the financial institution to use the alternative delivery method, the Bureau is permitting use of the alternative delivery method following such changes to provide greater flexibility. For example, although information about the name of the financial institution or its affiliates is useful to customers, the Bureau does not believe that information is as important in the context of the privacy notice as changes to the categories of nonpublic personal information collected and disclosed by the financial institution, the categories of third parties with whom the institution discloses that information, and changes to the institution's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information. Moreover, where a financial institution changes its name, that name change would likely be conveyed to the institutions' customers through means beyond the annual privacy notice. Indeed, including changes to the financial institution's name, the names of its affiliates, or its joint marketing practices in § 1016.9(c)(2)(i)(D) likely would limit the availability of the alternative method without much benefit to customers. Lastly, the Bureau believes that the statement required by § 1016.9(c)(2)(ii)(A) that "our privacy policy has not changed" is accurate even when information such as the financial institution's name or its affiliates have changed, as long as the policy the financial institution is required to describe on its annual privacy notice pursuant to § 1016.6(a)(1) through (5), (8), and (9) has not changed.

As to a financial institution that changes its privacy policy to eliminate information sharing that triggers opt-out rights, the Bureau determines that such an institution would be able to use the alternative delivery method for its next annual notice and agrees that this should be clarified in the rule text. Under the final rule, if an institution chooses to stop sharing certain categories of information or to stop sharing information with certain categories of third parties, the financial institution will be able to use the alternative delivery method for its next annual privacy notice without first sending out a privacy notice pursuant to standard delivery methods (provided it meets the requirements of in § 1016.9(c)(2)). The Bureau is modifying § 1016.9(c)(2)(i)(D) to permit financial institutions to use the alternative delivery method if the information the institution is required to convey has not changed other than to eliminate categories of information it discloses or categories of third parties to whom it discloses information.

Lastly, as to the request for clarification about the process for using the alternative delivery method after a financial institution changes its sharing practices, the alternative delivery method does not alter either the requirements for providing a revised privacy notice in § 1016.8 or any of the timing requirements in existing § 1016.5. Accordingly, to the extent that § 1016.8 requires a financial institution to deliver a revised privacy notice if a financial institution changes its information sharing, the institution is still required to deliver that notice pursuant to § 1016.9.[59] Similarly, the adoption of § 1016.9(c)(2) does not change the timing requirements for delivering the annual notice.

Accordingly, if a financial institution makes a change to its information sharing practices that would prevent it from meeting the condition in § 1016.9(c)(2)(i)(D), *i.e.*, a change other than to eliminate categories of information it discloses or categories of third parties to whom it discloses, the financial institution could use the alternative delivery method to meet its next annual privacy notice requirement if it first sent a revised privacy notice pursuant to the standard delivery methods (provided it meets the requirements of § 1016.9(c)(2)). If the change is to its policies and practices regarding protecting the confidentiality and security of nonpublic personal information, no revised privacy notice would be required under § 1016.8 but a

[58] 79 FR at 27221 n.54.

[59] The Bureau notes that a revised privacy notice may not be delivered using the alternative delivery method because the alternative method only may be used to satisfy the requirement to provide an annual notice in § 1016.5(a)(1).

financial institution could opt to provide one anyway so that it could use the alternative delivery method and the statement that its privacy policy has not changed to meet its next annual notice requirement. Alternatively, a financial institution that makes a change to its information sharing practices or its policies and practices with respect to protecting the confidentiality and security of nonpublic personal information that would prevent the institution from meeting the condition in § 1016.9(c)(2)(i)(D) could send its next annual privacy notice using standard delivery methods and resume using the alternative delivery method thereafter.

To the extent that a financial institution chooses to provide the notice of availability of its privacy policies more often than annually, it could include the statement that its privacy policy has not changed whenever the intervening change is not a change covered by § 1016.9(c)(2)(i)(D); where the intervening change is one covered by § 1016.9(c)(2)(i)(D), the financial institution could include the statement that its privacy policy has not changed once it delivers a revised privacy notice pursuant to the standard delivery methods. Regarding when a financial institution must implement the Web site posting of the privacy notice and the telephone number for requesting the notice, a financial institution may choose to adopt the alternative delivery method at any time. However, it would need to meet all of the requirements for using the alternative delivery method by the due date of the first annual privacy notice that the institution does not deliver using one of the standard delivery methods. This would include sending the notice of availability that informs customers of the existence of the Web site and the telephone number and providing customers access to the privacy notice by Web site and through telephone request by that due date.

Section 1016.9(c)(2)(i)(E)

The last condition for use of the alternative delivery method included in the Bureau's proposed rule, which was set forth in proposed § 1016.9(c)(2)(i)(E), would have required that a financial institution use the Regulation P model privacy form for its annual privacy notice. The Bureau now adopts the provision as proposed.

Proposed Rule

The model form was adopted in 2009 as part of an interagency rulemaking mandated by Congress.[60] The form was developed using consumer research to ensure that the model notice was easier to understand and use than most privacy notices then being used.[61] During outreach prior to the Bureau's issuance of its May 13, 2014, proposed rule, consumer and privacy groups told the Bureau that the model form is easier for consumers to understand than other privacy notices. The Bureau's research on the impacts of its proposed rule[62] determined that some non-model form privacy notices were not easily understood. This research also determined that a significant percentage of financial institutions already use the model privacy form. Accordingly, the Bureau proposed § 1016.9(c)(2)(i)(E), which would permit use of the alternative delivery method only if a financial institution uses the model privacy form for its annual privacy notice.

Comments

The Bureau invited comment on the extent to which financial institutions currently use the model privacy form and, if they do not, whether they would choose to do so to take advantage of the proposed alternative delivery method. In addition, the Bureau invited comment on the benefit to customers of receiving a privacy notice in the model form rather than a privacy notice in a non-standardized format.

The comments indicated that a significant number of industry participants are using the model form already. The Bureau did not receive much comment on whether the model form requirement would incentivize its use so that financial institutions could use the alternative delivery method. However, one industry commenter stated it would do so. On the other hand, some other industry commenters asserted that conditioning the use of the alternative delivery method on the use of the model form would significantly affect how many financial institutions could use the alternative delivery method and experience reduced burden.

Consumer and public interest group commenters explicitly and strongly supported the model form requirement, explaining that the model form is easier for consumers to understand than other notices that individual financial institutions use because it does not have the legal jargon and complex vocabulary found in those other notices. An academic commenter described a project where notices are collected and compared, and stressed the importance of online standardized notices, such as those using the model form. Some credit union associations supported the model form requirement but requested that the Bureau clarify whether changes to the form would be acceptable and, if so, what types of changes would be acceptable.

Many comments from industry members and groups supported the rule as proposed or only objected to requirements other than the model form, and so they did not appear to view the model form requirement as problematic. However, several industry trade associations and many individual institutions objected to the model form requirement. One trade association stated that many financial institutions currently use forms that they believe are more informative than the model form and that their customers are more familiar with. A student loan servicing trade association made a similar comment, stating that some servicers do not want to use the model form because their version provides customers with more information.

Many trade association and individual industry commenters also were concerned that if they made changes to the model form to be clearer and more informative, it would preclude them from using the alternative delivery method. These commenters suggested that the Bureau state clearly that changes in wording and layout in the model form would be acceptable. Several commenters requested that the form used only have to comply with Regulation P, rather than having to follow the model form instructions. Two trade associations stated that the model form is one-size-fits-all and does not work for nontraditional financial institutions such as companies that offer long-term installment plans. Other commenters objected to the requirement that the Web page containing the model form have no other information and suggested that other privacy information should be allowed.

The Bureau also invited comment on related state or international law requirements and their interaction with the model privacy notice. Although the Bureau did receive comments, as discussed above, on the proposed rule's relation to state law, those comments did not address the model form requirement.

In addition, the Bureau solicited comment on whether adoption of the model form itself should be considered a change in the annual notice pursuant to proposed § 1016.9(c)(2)(i)(D) such that an institution using the model form for the first time would be precluded from using the proposed alternative

[60] 15 U.S.C. 6803(e).

[61] 74 FR at 62891.

[62] See below, parts V and VI.

delivery method until the following year's annual notice. Consumer and public interest group commenters did not address this issue, but some industry commenters stated that adoption of the model form should not be considered a change under § 1016.9(c)(2)(i)(D).

Final Rule

The Bureau adopts § 1016.9(c)(2)(i)(E) as proposed. Based on the Bureau's impact analyses and the research that went into the development and testing of the model form,[63] the Bureau continues to believe that requiring use of the model form as a condition of using the alternative delivery method will foster the use of a notice that is, in general, more consumer-friendly and effective in conveying privacy policy information to customers than non-standardized notices. The Bureau also continues to believe that § 1016.9(c)(2)(i)(E) is likely to encourage some financial institutions that are not currently doing so to use the model form to take advantage of the cost savings associated with the alternative delivery method. Moreover, the Bureau does not believe that adopting the model form will entail significant costs for the minority of financial institutions that do not currently use it, and notes that there is an Online Form Builder that allows financial institutions to readily create customized privacy notices using the model form template.[64] In addition, the Bureau believes that in a large majority of instances the one-time cost of adopting the model form will be offset quickly by the reduced cost of printing and mailing forms, which will then continue year after year.

While some financial institution commenters asserted that conditioning the use of the alternative delivery method on the use of the model form would significantly affect how many financial institutions could use the alternative delivery method and experience reduced regulatory burden, they did not submit data or substantive analysis on this point. In regard to comments about forms that comply with Regulation P but may not comply exactly with the model form instructions, potentially giving rise to violations when the alternative delivery method is used, the Bureau notes that financial institutions may consult counsel on how to comply so as to limit the risk of government enforcement.[65] In regard to types of financial institutions that do not prefer to use the model form for whatever reason, the Bureau notes that the model form was carefully crafted to be usable by a wide variety of financial institutions,[66] but any institutions that choose not to use it may continue to send annual privacy notices in the standard manner.

The Bureau notes that the model form accommodates information that may be required by state or international law, as applicable, in a box called "Other important information." [67] Accordingly, the Bureau expects that a financial institution that has additional privacy disclosure obligations pursuant to state or international law will still be able to use the model form to take advantage of the proposed alternative delivery method. In regard to supplemental privacy information a financial institution wishes to convey, the discussion of § 1016.9(c)(2)(ii)(B) below makes clear that a link to such information elsewhere on the financial institution's Web site may be included as part of the navigational materials on the Web page containing the model privacy form.

In addition, the Bureau has determined that a financial institution's adoption of the model privacy form, which may require changes to the wording and layout of the privacy notice but not to the substance of the information conveyed under § 1016.6(a)(1) through (5), (8) and (9), will not constitute a change within the meaning of § 1016.9(c)(2)(i)(D). A financial institution thus may adopt the model form and use the alternative delivery method with that model form immediately to satisfy its annual notice requirement under Regulation P. This interpretation is consistent with the interpretation by the agencies that promulgated the model notice at the time it was first issued with regard to whether adoption of the form required provision of a revised privacy notice under § 1016.8.[68]

Section 1016.9(c)(2)(ii)

In proposed § 1016.9(c)(2)(ii), the Bureau would have set forth the alternative delivery method that would be permissible to satisfy the requirement in § 1016.5(a)(1) to provide an annual notice if a financial institution met the conditions described in proposed § 1016.9(c)(2)(i). The Bureau proposed an alternative delivery method for financial institutions that met the conditions in proposed § 1016.9(c)(2)(i) where delivery of the annual privacy notice pursuant to the standard delivery requirements may be less important for customers. As stated in the proposal, the alternative delivery method would still inform customers of their financial institution's privacy policies effectively, but at a lower cost than the standard delivery methods.

The Bureau received comments supporting the general framework of the alternative delivery method proposed in § 1016.9(c)(2)(ii) from financial institutions, consumer groups, and privacy groups alike. For example, a national association representing business interests and a national association representing the consumer credit industry stated that the proposed alternative delivery method would be an effective mechanism for ensuring that all customers are aware of the institution's privacy policy and their opt-out rights. A national association representing credit unions, a public interest group representing consumers, and an organization of state banking supervisors all supported the framework of the alternative delivery method. The Bureau received many comments criticizing or supporting specific components of the alternative delivery method. These comments are discussed in detail below. The Bureau is adopting § 1016.9(c)(2)(ii) largely as proposed, for the reasons stated above and in the proposal. Changes to the individual paragraphs of § 1016.9(c)(2)(ii) will be discussed in detail below.

[63] The research that went into the development and testing of the model form was detailed in four reports: (1) *Financial Privacy Notice: A Report on Validation Testing Results (Kleimann Validation Report)*, February 12, 2009, available at *http://www.ftc.gov/system/files/documents/reports/financial-privacy-notice-report-validation-testing-results-kleimann-validationreport/financial_privacy_notice_a_report_on_validation_testing_results_kleimann_validation_report.pdf*; (2) *Consumer Comprehension of Financial Privacy Notices: A Report on the Results of the Quantitative Testing (Levy-Hastak Report)*, December 15, 2008, *available at http://www.ftc.gov/system/files/documents/reports/quantitative-research-levy-hastak-report/quantitative_research_-_levy-hastak_report.pdf*; (3) *Mall Intercept Study of Consumer Understanding of Financial Privacy Notices: Methodological Report (Macro International Report)*, September 18, 2008, *available at http://www.ftc.gov/system/files/documents/reports/quantitative-research-macro-international-report/quantitative_research_-_macro_international_report.pdf*; and (4) *Evaluation of a Prototype Financial Privacy Notice: A Report on the Form Development Project*, March 31, 2006, available at *http://kleimann.com/ftcprivacy.pdf*. The development and testing of the model privacy notice is also discussed in L. Garrison, M. Hastak, J.M. Hogarth, S. Kleimann, A.S. Levy, *Designing Evidence-based Disclosures: A Case Study of Financial Privacy Notices*. The Journal of Consumer Affairs, Summer 2012: 204–234.

[64] This Online Form Builder is available at *http://www.federalreserve.gov/newsevents/press/bcreg/20100415a.htm*.

[65] The Bureau also notes that there is no private right of action under Regulation P.

[66] *See* 74 FR at 62901.

[67] Appendix to part 1016 at C.3.c.1.

[68] *See* 74 FR at 62907 n. 196.

Section 1016.9(c)(2)(ii)(A)

Proposed § 1016.9(c)(2)(ii)(A) would have set forth the first component of the alternative delivery method: That a financial institution inform the customer of the availability of the annual privacy notice. For the reasons discussed below, the Bureau is adopting § 1016.9(c)(2)(ii)(A) substantially as proposed but with some modifications.

Proposed Rule

To satisfy proposed § 1016.9(c)(2)(ii)(A), a financial institution would have been required to convey in a clear and conspicuous manner not less than annually on a notice or disclosure the institution is required or expressly and specifically permitted to issue under any other provision of law that its privacy notice has not changed, that the notice is available on its Web site, and that a hard copy of the notice will be mailed to customers if they call a toll-free telephone number to request one.

General Comments

Several financial institution commenters objected to proposed § 1016.9(c)(2)(ii)(A) because there are some financial products for which financial institutions send no documents to customers and thus including a notice of availability on some other statement or notice currently used would not be possible. For example, national associations representing debt buyers and automobile dealers stated that those financial institutions do not send or may not send documents to their customers at all during the course of a year. Several individual depository institutions commented that they do not send statements or notices to certain types of customers, such as customers with certificates of deposit, passbook savings accounts, safe deposit vaults, and mortgage or installment loans with coupon books.

National associations representing banks, community banks, and financial service providers as well as many individual banks and credit unions commented that the proposed notice of availability would be burdensome, even for financial institutions that do send statements or notices to some customers. First, these commenters stated that it would be difficult and expensive for financial institutions to determine which customers and accounts receive suitable documents on which to include the notice of availability and which ones do not. Second, some financial institution commenters stated that space was limited on their periodic statements and that it would be unworkable to include the notice of availability on them.

Final Rule

The Bureau is adopting § 1016.9(c)(2)(ii)(A) substantially as proposed but with modifications as discussed below. It is important that customers receive actual notice that the annual privacy notice is available on the financial institution's Web site through some statement or notice that they are likely to read. Although posting the privacy notice on a Web site will make the privacy notice widely available, customers likely would not be aware of its existence or its importance without the notice of availability, especially customers that do not use the financial institution's Web site. The Bureau understands that there are costs associated with sending an annual notice of availability and that doing so could negate the cost savings of the alternative delivery method for some financial institutions that do not already send statements or notices to their customers. However, the Bureau expects that most financial institutions will be able to incorporate the notice of availability in a mailing that the institution conducts in the normal course of business. In any event, the Bureau believes that financial institutions that choose to use the alternative delivery method must provide the notice of availability because it is an integral component of the alternative delivery method given that it informs customers that the privacy notice is available.

Not Less Than Annually

The proposed rule would have required that financial institutions convey the notice of availability to customers not less than annually. Proposed § 1016.9(c)(2)(ii)(A) also would have permitted it to be included more often than annually (*e.g.*, quarterly or monthly) and invited comment on the advantages and disadvantages of it being provided on a more frequent basis. Several commenters, including a university privacy think tank and individual credit unions and community banks, commented that an annual notice of availability is sufficient to inform customers of the online availability of the institution's annual privacy notice. However, a national organization representing consumer and privacy rights stated that the notice of availability should be required at least quarterly.

The Bureau continues to believe that an annual reminder is sufficient to inform customers of the availability of the privacy notice. Indeed, the GLBA requires that the privacy notice itself be delivered "not less than annually" after the initial customer relationship is established, and the Bureau believes that requiring the notice of availability not less than annually is consistent with the statute.[69] To the extent that financial institutions would prefer for administrative or other reasons to include the notice of availability on statements or notices that are delivered to customers more often than annually, the Bureau notes that more frequent delivery is permissible under § 1016.9(c)(2)(ii)(A).

Type of Statement Used To Convey the Notice of Availability

With respect to the type of statement that may be used to convey the notice of availability, proposed § 1016.9(c)(2)(ii)(A) would have permitted it to be conveyed on a notice or disclosure the institution is required or expressly and specifically permitted to issue under any other provision of law. The Bureau noted in the proposal that a notice of availability could be included on a periodic statement which is permitted but not required by Regulation DD[70] to satisfy proposed § 1016.9(c)(2)(ii)(A) but that including it on advertising materials that were neither required nor specifically permitted by law would not satisfy proposed § 1016.9(c)(2)(ii)(A). As stated in the proposal, § 1016.9(c)(2)(ii)(A) would not have specified in more detail the type of statements on which the notice of availability must be conveyed because the Bureau intended the alternative delivery method to be flexible enough to be used by financial institutions whose business practices vary widely.

Many financial institution commenters advocated that the Bureau expand the types of documents that financial institutions could use to provide the notice of availability. A national association representing student loan servicers suggested that the Bureau should add periodic statements to the types of documents that could include the notice, because the periodic notices for student loans are not required or expressly and specifically permitted under any other provision of law. An automotive finance company identified the same concern with its billing statements. Several individual financial institutions requested that they be allowed to include the notice of availability on coupon books. A national association representing credit unions,

[69] *See generally* GLBA section 503(a).

[70] 12 CFR 1030.6.

two state credit union associations, and several individual credit unions suggested that they be allowed to use customer newsletters, branch posting, or advertisements to provide the notice of availability.

The Bureau is persuaded by the comments that it should broaden the type of statement on which the notice of availability could be included to satisfy § 1016.9(c)(2)(ii)(A) in the final rule. The Bureau proposed to require that the notice of availability be included on a statement or notice required or otherwise permitted by law to ensure that customers were likely to read the underlying document on which the notice of availability is included. The Bureau believes that customers also have compelling reasons to read account statements and coupon books that directly concern the status of their existing accounts even if they are not required or otherwise permitted by law. Accordingly, under the final rule, the Bureau is allowing a notice of availability included on an "account statement" or "coupon book" also to satisfy § 1016.9(c)(2)(ii)(A). An account statement would include periodic statements or billing statements not required or expressly and specifically permitted by law. The Bureau intends the term "account statement" to be flexible enough to cover documents provided to customers by a diverse array of financial institutions. In contrast, the Bureau is concerned that customers may not read advertisements or newsletters on the assumption that they do not specifically concern the customer's existing account. The Bureau believes it would not be consumer-friendly to require customers to seek out and examine advertisements and newsletters to find the notice of availability. The Bureau therefore declines to revise proposed § 1016.9(c)(2)(ii)(A) to be satisfied by a notice of availability included in such materials. Further, since nothing in § 1016.9(c)(2)(ii)(A) alters laws or regulations governing account statements, coupon books, or other notices or disclosures, institutions should not include the notice of availability on such materials in a way that would cause the materials to fail to comply with applicable laws or regulations governing those materials.

Regarding the request that the Bureau permit physical posting of the notice of availability in a financial institution's lobby to satisfy § 1016.9(c)(2)(ii)(A), the Bureau notes that the GLBA contemplates providing individual notice to customers of opt-out rights and privacy practices. For example, section 502(b)(1)(A) of the GLBA requires opt outs to be disclosed "to the consumer" and section 503(a) of the GLBA requires the privacy notice to be delivered "to such consumer." While the Bureau believes that providing a notice of availability individually directing customers to a notice on a Web site is sufficient to inform them of the availability of the privacy notice under the parameters of this rule, posting a general notice of availability in the financial institution's lobby or elsewhere generally directing customers to the privacy notice is not. Similarly, the Bureau does not believe that publishing a general notice of availability in newspapers is sufficient. Indeed, some customers do not go to the institution's lobby or office and may not see published announcements. The Bureau believes it would not be consumer-friendly to require customers to seek out and examine postings in an institution's offices or announcements in certain newspapers to find the notice of availability. While the Bureau recognizes that there are other statutes and regulations that require notice to customers for other purposes by such public posting or publishing, the Bureau believes such public notices are not sufficient given the GLBA's framework that requires individualized notice. Indeed, Regulation P already provides with respect to privacy notices that an institution may not reasonably expect that a consumer will receive actual notice of its privacy policies and practices if it only posts a sign in a branch or office or generally publishes advertisements of its privacy policies and practices.[71] The Bureau's approach as to notices of availability is consistent in this respect. The Bureau is therefore revising § 1016.9(c)(2)(ii)(A) to include that delivery of the notice of availability must be "to the customer" to clarify that § 1016.9(c)(2)(ii)(A) is not satisfied by including the notice of availability on other disclosures or notices required or expressly permitted by law to be publicly posted or published.

Clear and Conspicuous

Proposed § 1016.9(c)(2)(ii)(A) would have used the term "clear and conspicuous," which is defined in existing § 1016.3(b)(1) as meaning "reasonably understandable" and "designed to call attention to the nature and significance of the information." As stated in the proposal, the Bureau believed that the existing examples in § 1016.3(b)(2)(i) and (ii) for reasonably understandable and designed to call attention, respectively, likely would provide sufficient guidance on ways to make the notice of availability in proposed § 1016.9(c)(2)(ii)(A) clear and conspicuous. Some commenters, including a state and a national association representing credit unions, supported the proposed clear and conspicuous requirement as sufficient given existing § 1016.3(b)(2)(i) which provides guidance on type size, style, and graphic devices, such as shading and side bars. A few commenters, including several national associations representing large banks, community banks, and other financial service providers, as well as a few individual community banks stated that clear and conspicuous should be further defined.

As stated in the proposal, the Bureau believes that the existing definition of clear and conspicuous and examples in § 1016.3(b) are sufficient for the notice of availability. Given the variety of statements on which the notice of availability may be included and the numerous ways in which they may be designed, the Bureau does not believe that it is feasible or practical to provide guidance as to what would be clear and conspicuous in all of these circumstances. The Bureau believes that financial institutions should be able to use the existing definition of clear and conspicuous and examples in § 1016.3(b) to design notices of availability that consumers will be likely to read and therefore the Bureau adopts this aspect of § 1016.9(c)(2)(ii)(A) without change.

Toll-Free Telephone Number

Proposed § 1016.9(c)(2)(ii)(A) also would have required that the notice of availability include a toll-free number a customer can call to request that the annual privacy notice be mailed. The Bureau explained in the proposal that this requirement was intended to assist customers who do not have internet access or would prefer to receive a hard copy of the privacy notice and that it expected that most institutions would already have a toll-free number.

The majority of commenters on this provision, typically those from credit unions, community banks, and other small financial institutions, disagreed with this aspect of the proposal. These commenters objected to the toll-free number requirement because many smaller institutions do not currently have toll-free numbers and they stated that obtaining a toll-free number would offset the intended burden reduction of the proposal. Commenters further noted

[71] 12 CFR 1016.9(b)(2)(i). The Bureau's rule on delivery of Affiliate Marketing Rule notices under Regulation V similarly provides that a consumer may not reasonably be expected to receive actual notice if the affiliate providing the notice only posts the notice on a sign in a branch or office or generally publishes the notice in a newspaper. 12 CFR 1022.26(c)(1).

that most credit unions and community banks operate in limited geographical areas such that customers are typically in the same area code as their financial institution and thus a toll-free telephone number is unnecessary. Lastly, many of these commenters stated that a toll-free number is unnecessary given that most customers have cellular telephone or home telephone plans under which they would incur no charges for calling their financial institution to request the annual privacy notice.

A few commenters, including a national association representing student loan servicers and some individual community banks and credit unions, stated that they did not object to the toll-free number requirement because their institution or member institutions already have toll-free numbers or can obtain one without significant expense. No commenters expressly supported requiring a toll-free telephone number.

The proposal also solicited comment on whether the final rule should require financial institutions to provide a dedicated telephone line for privacy notice requests to use the alternative delivery method. Commenters who addressed the issue included several national trade associations representing large and small banks, a national trade association representing student loan servicers and several individual community banks and credit unions. All commenters who addressed this issue stated that requiring a dedicated toll-free number to request an annual privacy notice was unnecessary. Some commenters also suggested that requiring a dedicated telephone number was so expensive as to offset the potential cost savings of the proposal for small entities. These commenters noted that customers rarely call their financial institutions to opt out of sharing when mailed an annual privacy notice and that customers are even less likely to call their financial institution to request a copy of the annual notice. Given the expected low call volume, these commenters believe that a dedicated telephone line is unnecessary and unduly expensive.

The Bureau is persuaded that requiring a toll-free telephone number or a dedicated telephone line to request the privacy notice be mailed would offset the intended burden reduction of the proposal for many financial institutions without providing much benefit to customers. The Bureau believes that the cost to financial institutions of requiring a toll-free telephone number or a dedicated telephone line is not warranted given that customers likely will call infrequently to request a mailed copy of the annual privacy notice, especially because the privacy notices would be readily available on the institutions' Web sites. The Bureau also considered allowing institutions to choose between providing a toll-free number or a telephone number a customer could call and reverse the charge, *i.e.*, a telephone number that would accept collect calls, an alternative available under several other Bureau regulations.[72] The Bureau decided against this alternative because it believes, as stated by commenters, that financial institutions that do not already maintain toll-free telephone numbers typically have customers who live in the same area code as the institution and such customers likely would request a copy of the privacy notice using a free local call, rather than a collect call. In addition, a requirement that a financial institution without a toll-free number accept collect calls for privacy notice requests could effectively require the institution to accept collect calls as a general practice, assuming that it did not pay for a dedicated line for the privacy notice calls, thereby adding to its costs.

For the reasons described, the Bureau is adopting § 1016.9(c)(2)(ii)(A) as revised to require the notice of availability to include a telephone number. The Bureau encourages financial institutions that already maintain a toll-free telephone number to use that number in the statement required by § 1016.9(c)(2)(ii)(A), to simplify the process for a customer to call and request a mailed copy of the privacy notice.

Other Issues

Proposed § 1016.9(c)(2)(ii)(A) also would have required the institution to state on the notice of availability that its privacy policy has not changed. The Bureau intended this proposed requirement to help customers assess whether they are interested in reading and accessing the policy. This statement would always be accurate if the alternative delivery method is used correctly, because a financial institution could not use the alternative delivery method if its annual privacy notice had changed under § 1016.9(c)(2)(i)(D). A compliance company commented that the statement that the privacy policy had not changed might not be accurate in certain situations where a financial institution eliminates categories of information it discloses or categories of third parties to whom it discloses information. That comment is addressed above in the section-by-section analysis of § 1016.9(c)(2)(i)(D).

Proposed § 1016.9(c)(2)(ii)(A) further would have required that the statement include a specific web address that takes customers directly to the Web page where the privacy notice is available. Proposed § 1016.9(c)(2)(ii)(A) would have required a web address that the customer can type into a web browser to directly access the page that contains the privacy notice so that the customer need not click on any links after typing in the web address. The Bureau proposed this requirement because a direct link may make it easier and more convenient for customers to access the privacy notice, particularly for notices of availability delivered electronically that provide a hyperlink. While the Bureau recognizes that the length and complexity of the web address would affect how easy and convenient it is for customers to manually type in the address, the Bureau does not anticipate that institutions will provide addresses that are needlessly lengthy or complex. If this does not prove to be the case, the Bureau may consider measures in the future to ensure that the Web site addresses used are consumer-friendly. The Bureau did not receive any comments on this aspect of the proposal and adopts this element of § 1016.9(c)(2)(ii)(A) as proposed.

The Bureau further noted in the proposal that if two or more financial institutions provide a joint privacy notice pursuant to § 1016.9(f), proposed § 1016.9(c)(2)(ii)(A) would require each financial institution to separately provide the notice of availability on a notice or disclosure that it is required or permitted to issue. The Bureau invited comment on how often financial institutions jointly provide privacy notices and whether the proposed alternative delivery method would be feasible for such jointly issued notices, but the Bureau received no comments on that issue. Section 1016.9(c)(2)(ii)(A) as finalized would require each institution providing a joint notice to send a notice of availability on an account statement, coupon book, or other notice or disclosure it is required or expressly and specifically permitted to issue to the customer. Financial institutions that jointly provide account statements, coupon books, or other notices or disclosures could also satisfy § 1016.9(c)(2)(ii)(A) by including the notice of availability on such jointly provided materials.

A national organization representing consumer and privacy interests suggested that the notice of availability include the fact that privacy notices

[72] *See, e.g.*, 12 CFR 1024.33(b)(4)(ii), 1026.16(e), 1026.24(g)(2).

may be delivered by email upon the customers' request and provide instructions for how customers could exercise that option. The Bureau declines to require notification of email availability to be included in the notice because some financial institutions may not have the capability to provide privacy notices by email. The Bureau notes, however, that a financial institution could include such a statement in the notice of availability required by § 1016.9(c)(2)(ii)(A) as long as the required content of the notice of availability is clear and conspicuous. For the reasons discussed, the Bureau is adopting § 1016.9(c)(2)(ii)(A) with the modifications described above.

Section 1016.9(c)(2)(ii)(B)

Proposed § 1016.9(c)(2)(ii)(B) would have set forth the second component of the alternative delivery method: That the financial institution post its current privacy notice continuously and in a clear and conspicuous manner on a page of the institution's Web site that contains only the privacy notice, without requiring the customer to provide any information such as a login name or password or agree to any conditions to access the page. The Bureau is adopting § 1016.9(c)(2)(ii)(B) as revised, for the reasons discussed below.

Proposed Rule

The Bureau believes and comments on the proposal support the conclusion that many financial institutions already maintain Web sites where they could post the annual privacy notice. Moreover, encouraging financial institutions to post the notices would benefit consumers by making the notices more widely available. Proposed § 1016.9(c)(2)(ii)(B) would have required that the annual notice be posted on a page of the Web site that contains only the privacy notice.

Comments

A state-chartered bank and a credit union opposed the requirement that the Web page contain only the privacy notice. These commenters stated that they include the privacy notice with other relevant privacy policies for their institution and thus customers could miss valuable privacy-related information if no other information were permitted to be included with the privacy notice. National associations representing large banks, community banks, and the financial services industry as well as a coalition of financial institutions focusing on e-commerce and privacy objected to the proposed requirement that the Web site not require a login name or password or that the customer agree to any terms to access it. These commenters argued that financial institutions often require customers to accept terms to initially access a Web site, particularly where customer account information accessed through the Web site may need to be protected for security reasons. Few other commenters addressed this issue, however.

Other commenters raised a variety of concerns about the posting of the privacy notice. National associations representing large banks, community banks, the financial services industry, and credit unions and several individual banks and credit unions suggested that the Bureau remove the word "continuously" so that a financial institutions would not be in violation of § 1016.9(c)(2)(ii)(B) in the event its Web site malfunctioned. An organization representing state banking supervisors suggested that § 1016.9(c)(2)(ii)(B) require financial institutions to include a link to the privacy policy on their home page. Lastly, one credit union commenter requested that the Bureau allow the privacy notice to be posted physically in the lobby of the financial institution for financial institutions that do not maintain Web sites.

Final Rule

The Bureau is adopting § 1016.9(c)(2)(ii)(B) as revised. As to the commenters who stated that the requirement that the Web page contain only the privacy notice could prevent consumers from seeing supplemental privacy information, as stated in the proposal, the Bureau is concerned that permitting information other than the privacy notice to be included on the Web page could detract from the prominence of the notice and make it less likely that a customer would actually read it. The Bureau believes that the risk of such distracting information being included with the privacy notice outweighs any potential benefit to allowing additional content to be included on the page with the privacy notice. The Bureau is revising § 1016.9(c)(2)(ii)(B) to clarify that the privacy notice must be the only content on the Web page. Information that is not content, however, such as navigational menus that link to other pages on the financial institution's Web site, could appear on the same page as the privacy notice pursuant to § 1016.9(c)(2)(ii)(B). Indeed, such navigational materials could include a link to another portion of the financial institution's Web site that contains supplemental information concerning other privacy or information management practices.[73]

With respect to the requirement that the Web page not require a login name or password or that the customer agree to any conditions to access it, the Bureau declines to revise this requirement. The Bureau intends for the alternative delivery method to serve customers who may not already use the financial institution's Web site to manage their accounts and thus may not have agreed to terms or created login credentials. Indeed, as stated in the proposal, the Bureau is concerned that if customers were required to register for a login name or sign in to the financial institution's Web site simply to access the privacy notice, it could discourage some customers from accessing and reading the notice. The Bureau notes that financial institutions could still require customers to have login credentials or agree to terms and conditions to access other portions of the Web site, such as those containing sensitive account information or used to conduct transactions, including exercising the Affiliate Marketing Rule opt-out. Given that the alternative delivery method will require customers to seek out the annual privacy notice in a way that they have not previously been required to do, § 1016.9(c)(2)(ii)(B) is meant to make accessing the privacy notice on an institution's Web site as simple and straightforward as possible.

As to the proposal's requirement that the privacy notice be posted continuously, the Bureau does not regard "continuously" to suggest that financial institutions would violate § 1016.9(c)(2)(ii)(B) if their Web site temporarily malfunctioned. This language requiring "continuously" posting on a Web site is used in existing § 1016.9(c)(1) (which is being recodified in this final rule as § 1016.9(c)(1)(i)). The Bureau understands from the comments that financial institutions would be unlikely to post standardized information, such as the privacy notice, on a non-continuous basis. Nevertheless, the Bureau emphasizes that § 1016.9(c)(2)(ii)(B) assumes that financial institutions will post the privacy notice on their Web sites so that the notice is available but for occasional or unavoidable interruptions, such as routine maintenance or unexpected malfunctions.

Regarding requiring a link to the privacy notice from a financial

[73] *See generally* 74 FR at 62908 (noting, in response to industry requests for the flexibility to add other information to the model privacy form, that the agencies were not precluding an institution from providing such information on other, supplemental materials).

institution's homepage, during outreach before the proposal, many financial institutions stated to the Bureau that space on their Web site's home page is extremely valuable and that requiring a link on the home page would limit their ability to use that space for other important communications with customers. Although the Bureau encourages financial institutions to include a link to the privacy policy on other pages of their Web sites, including the home page, the Bureau declines to require such a link. Because § 1016.9(c)(2)(ii)(A) requires the notice of availability to include a web address for the page containing the privacy notice, the Bureau expects that customers can easily locate the page. The Bureau further notes, as stated in the proposal, that other pages on the financial institution's Web site could link to the page containing the privacy notice. Nevertheless, a financial institution would still have to provide the customer a specific web address that takes the customer directly to the page where the privacy notice is available to satisfy the requirement to post the notice on the financial institution's Web site in § 1016.9(c)(2)(ii)(B).[74]

As to the suggestion that the privacy notice be posted in the institution's lobby, rather than on a Web site, the Bureau understands that there may be some institutions that do not maintain Web sites. The Bureau believes, however, that Web site posting is an integral component of the alternative delivery method and ensures that the privacy notice be widely available when it is not sent to individual customers according to standard delivery methods. The Bureau does not believe that lobby posting of the privacy notice makes it sufficiently available to customers given the individualized notice contemplated by the GLBA and discussed more fully in the section-by-section analysis of § 1016.9(c)(2)(i)(A) above. Accordingly, the Bureau declines to revise § 1016.9(c)(2)(ii)(B) to permit posting of the notice in a lobby to satisfy the requirement. For the reasons discussed, the Bureau is adopting § 1016.9(c)(2)(ii)(B) as revised.

Section 1016.9(c)(2)(ii)(C)

Proposed § 1016.9(c)(2)(ii)(C) would have set forth the third component of the alternative delivery method: That the financial institution mail promptly its current privacy notice to those customers who request it by telephone. For the reasons discussed below, the Bureau adopts § 1016.9(c)(2)(ii)(C) as revised.

Proposed Rule

As stated in the proposal, the Bureau proposed this requirement to assist customers without internet access and customers with internet access who would prefer to receive a hard copy of the notice. The Bureau invited comment in the proposal on whether requiring prompt mailing is sufficient to ensure that customers receive privacy notices in a timely manner or whether "promptly" should be more specifically defined, such as by a certain number of days.

Comments

A few bank commenters stated that it was not necessary to define "promptly" further, but most financial institutions that commented on this issue stated that a specific number of days would be helpful. Suggestions included five days, ten business days, 15 days, and 30 days. A trade association representing mortgage lenders requested that the Bureau revise § 1016.9(c)(2)(ii)(C) to require the financial institution send the privacy notice, rather than mail it, to clarify that the financial institution could comply with the requirement by emailing the privacy notice. An organization representing consumers and privacy rights suggested that the Bureau expressly prohibit a financial institution from including other information, such as sales solicitations, in the mailing containing the annual privacy notice so as to avoid distracting customers with irrelevant information.

Final Rule

In response to the commenters' requests for clarity on how long financial institutions have to mail privacy notices upon request, the Bureau is adopting § 1016.9(c)(2)(ii)(C) as revised to require notices to be mailed within ten days of the customer's request. The Bureau notes that existing provisions of Regulation P define periods in terms of a number of days, meaning calendar days.[75] The Bureau believes that financial institutions should be able to provide a privacy notice within ten calendar days of a customer's request, even accounting for weekends and holidays during which the financial institution may be closed. As stated in the proposal, the Bureau notes that consistent with privacy notices currently provided under Regulation P, it expects that financial institutions will not charge the customer for delivering the annual notice, given that delivery of the annual notice is required by statute and regulation.

Regarding email delivery of the privacy notice upon request, as stated in the proposal, § 1016.9(c)(2)(ii)(C) is intended primarily for customers without internet access to be able to receive a paper copy of the privacy notice through the U.S. mail. The Bureau expects that customers with internet access who receive the notice of availability are much more likely to go to the financial institution's Web site to access the privacy notice than to telephone the financial institution to request a privacy notice be sent to them.

With respect to prohibiting the mailing containing the privacy notice from containing other information, such as solicitations, the Bureau declines to impose a blanket prohibition on the inclusion of such material. As discussed above, the Supplementary Information to the Final Model Privacy Form Under the Gramm-Leach-Bliley Act explained that financial institutions that use the model privacy form are not precluded from providing additional information in other, supplemental materials to customers if they wish to do so.[76] Further, the existing requirement at § 1016.5(a) that the annual notice be "clear and conspicuous" would apply to the mailing of this privacy notice as it does to the standard delivery methods for annual notices.[77] This requirement precludes the inclusion of other material in a manner that would render

[74] With regard to the proposed requirement that the notice be posted in a "clear and conspicuous" manner, the Bureau notes that existing § 1016.3(b)(2)(iii) gives examples of what clear and conspicuous means for a privacy notice posted on a Web site. One example provides that a financial institution designs its notice to call attention to the nature and significance of the information in the notice if it uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice and ensures that other elements on the Web site (such as text, graphics, hyperlinks, or sound) do not distract attention from the notice. Section 1016.3(b)(2)(iii)(A) and (B) also provides examples of clear and conspicuous placement of the notice within the financial institution's Web site but these examples do not seem relevant to the posting of the notice for the alternative delivery method because customers will be typing into their web browser the web address of the specific page that contains the annual notice, rather than navigating to the annual notice from the financial institution's home page. To the extent that a financial institution is satisfying existing § 1016.9(a) and not the alternative delivery method in § 1016.9(c)(2) by posting the privacy notice on its Web site, the clear and conspicuous examples in § 1016.3(b)(2)(iii)(A) and (B) still apply.

[75] *E.g.*, 12 CFR 1016.10(a)(3).

[76] *See* 74 FR at 62908.

[77] *Cf.* 74 FR at 62898 ("[T]he Agencies agree that institutions may incorporate the model form into another document but they must do so in a way that meets all the requirements of the privacy rule and the model form instructions, including that: The model form must be presented in a way that is clear an conspicuous; it must be intact so that the customer can retain the content of the model form; and it must retain the same page orientation, content, format, and order as provided for in this Rule.") (footnotes omitted).

the privacy notice not reasonably understandable and designed to call attention to the nature and significance of the information in the notice. In light of this existing requirement and the fact that customers who have requested the privacy notice be mailed will be expecting it, the Bureau does not believe that it is necessary at this time to impose a blanket prohibition on the inclusion of other material with the mailing of the privacy notice.

Section 1016.9(c)(2)(iii)

Proposed § 1016.9(c)(2)(iii) would have provided an example of a notice of availability that satisfies § 1016.9(c)(2)(ii)(A). The Bureau is adopting § 1016.9(c)(2)(iii) substantially as proposed with minor technical revisions.

Proposed Rule

The Bureau intended the example in proposed § 1016.9(c)(2)(iii) to provide clear guidance on permissible content for the notice of availability to facilitate compliance. The proposed example would have included the heading "Privacy Notice" in boldface on the notice of availability. The proposed example further would have stated that Federal law requires the financial institution to tell customers how it collects, shares, and protects their personal information; this language mirrors the "Why" box on the model privacy notices.

Comments

One commenter requested that other forms of emphasis be permitted rather than boldface because they could not use boldface in their software system. A national and a state association representing credit unions requested that the Bureau create a model notice of availability with graphics and shading that would be a safe harbor for compliance with proposed § 1016.9(c)(2)(ii)(A).

Final Rule

The Bureau is adopting § 1016.9(c)(2)(ii) as revised. With respect to the comment that some financial institutions' software programs do not allow for boldface, the Bureau notes that § 1016.9(c)(2)(iii) is an example of how to comply with § 1016.9(c)(2)(ii)(A) but other language and formatting techniques could also satisfy that section. Nevertheless, the Bureau is revising § 1016.9(c)(2)(iii) to state that the heading "Privacy Notice" could be in boldface or otherwise emphasized. "Otherwise emphasized" could include using all capital letters or underlining. As to the requests to create a model notice of availability with shading and graphics, the Bureau declines to do so at this time because it believes that the example notice of availability in § 1016.9(c)(2)(iii) provides sufficient guidance to financial institutions on how to comply with § 1016.9(c)(2)(ii)(A). The Bureau is also modifying § 1016.9(c)(2)(iii) to reflect that the telephone number provided need not be a toll-free number, to be consistent with § 1016.9(c)(2)(ii)(A) as finalized.

V. Section 1022(b)(2) of the Dodd-Frank Act

A. Overview

In developing the final rule, the Bureau has considered its potential benefits, costs, and impacts.[78] In addition, the Bureau has consulted and coordinated with the SEC, CFTC, FTC, and NAIC, and consulted with or offered to consult with the OCC, the Board, FDIC, NCUA, and HUD, including regarding consistency with any prudential, market, or systemic objectives administered by such agencies.

This final rule amends § 1016.9(c) of Regulation P to provide an alternative method for delivering annual privacy notices. The primary purpose of the rule is to reduce unnecessary or unduly burdensome regulations, and the alternative delivery method will reduce the burden of providing these annual privacy notices. A financial institution may use the alternative delivery method if:

(1) It does not disclose the customer's nonpublic personal information to nonaffiliated third parties in a manner that triggers GLBA opt-out rights;

(2) It does not include on its annual privacy notice an opt-out notice under section 603(d)(2)(A)(iii) of the Fair Credit Reporting Act (FCRA);

(3) The requirements of section 624 of the FCRA and the Affiliate Marketing Rule, if applicable, have been satisfied previously or the annual privacy notice is not the only notice provided to satisfy such requirements;

(4) The information included in the privacy notice has not changed since the customer received the previous notice (subject to an exception); and

(5) It uses the model form provided in the GLBA's implementing Regulation P.

Under the alternative delivery method, the financial institution would have to:

(1) Convey in a clear and conspicuous manner not less than annually on an account statement, coupon book, or a notice or disclosure the institution issues under any provision of law that its privacy notice is available on its Web site, it will be mailed to customers who request it by telephone, and it has not changed;

(2) Post its current privacy notice in a continuous and clear and conspicuous manner on a page of its Web site on which the only content is the privacy notice, without requiring a login name or similar steps or agreeing to any conditions to access the page; and

(3) Mail its current privacy notice to customers who request it by telephone within ten days of the request.

B. Potential Benefits and Costs to Consumers and Covered Persons

The requirements in § 1016.9(c)(2) provide certain benefits to consumers relative to the baseline established by the current provisions of Regulation P. These requirements provide an incentive for financial institutions to adopt the model privacy form and to post it on their Web sites, particularly when these changes are the only ones that would be needed to use the alternative delivery method. Recent research establishes that large numbers of banks, credit unions and other financial institutions do not post the model privacy form on their Web sites and presumably many have not adopted it.[79] Given the consumer testing that

[78] Specifically, section 1022(b)(2)(A) of the Dodd-Frank Act calls for the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services; the impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act; and the impact on consumers in rural areas.

[79] *See* L. F. Cranor, K. Idouchi, P. G. Leon, M. Sleeper, B. Ur, *Are They Actually Any Different? Comparing Thousands of Financial Institutions' Privacy Practices.* The Twelfth Workshop on the Economics of Information Security (WEIS 2013), June 11–12, 2013, Washington, DC, *available at http://weis2013.econinfosec.org/papers/CranorWEIS2013.pdf.* They find that only about 51% of FDIC insured depositories for which a Web site domain name is listed in the FDIC directory of financial institutions (3,422 out of 6,701) post the model privacy form on their Web sites. A Web site was not listed for an additional 371 institutions, and these institutions were excluded from the analysis. Some of these authors recently replicated and extended this work; *see* L. F. Cranor, P. G. Leon, B. Ur, *A Large-Scale Evaluation of U.S. Financial Institutions' Standardized Privacy Notices,* undated, *available at http://www.andrew.cmu.edu/user/pgl/financialnotices.pdf.* These authors find that 56% of FDIC insured depositories for which a Web site domain name is listed in the FDIC directory of financial institutions (3,594 out of 6,409) post the model privacy form on their Web sites. They also analyzed a much larger group of insured depositories, credit unions and credit card companies, first searching for an institution's Web site (when the Web site URL was not on lists of financial institutions they obtained from the FDIC, NCUA and the Federal Reserve) and then searching for the institution's model privacy form. With this

went into the development of the model form and the public input that went into its design, the Bureau believes that the model form is generally clearer and easier to understand than most privacy notices that deviate from the model.[80] While the Bureau does not know how many more financial institutions would adopt the model privacy form and post it on their Web sites in order to use the alternative delivery method, at least some additional consumers likely would be able to learn about the information sharing policies of financial institutions through the model privacy form as a result of § 1016.9(c)(2). It also may be more convenient for some consumers to learn about information sharing policies from a privacy policy on a Web site rather than a mailed copy, especially since financial institutions using the alternative delivery method must limit their information sharing to practices that do not give consumers opt-out rights. Thus, § 1016.9(c)(2) likely would make it easier for some consumers to review and understand privacy policies and to make comparisons across financial institutions with regard to privacy policies and opt outs.

The requirements in § 1016.9(c)(2) also may benefit consumers who transact with financial institutions that adopt the alternative delivery method by disclosing that a financial institution's privacy policy has not changed. These consumers would not receive a notice presenting the full privacy policy unless the privacy policy has changed or when other requirements for use of the alternative delivery method are not met. There is no representative, administrative data available on the number of consumers who are indifferent to or dislike receiving full, unchanged privacy notices every year. The limited use of opt outs and anecdotal evidence suggest that there are such consumers. In addition, one national trade association surveyed its members and found that 76% of respondents were more likely to read a privacy notice when there were changes to it. The commenter concluded that notification of a change to a privacy policy was more important to its members than routinely sending privacy notices in the mail.

The Bureau believes that few consumers would experience any costs from § 1016.9(c)(2). There is a risk that some consumers may be less informed about a financial institution's information sharing practices if the financial institution adopts the alternative delivery method. However, § 1016.9(c)(2)(ii)(A) mitigates this risk by requiring the inclusion annually on another notice or disclosure of a clear and conspicuous statement that the privacy notice is available on the Web site, and § 1016.9(c)(2)(ii)(B) ensures that the model privacy form is posted in a continuous and clear and conspicuous manner on the Web site. Consumers may print the privacy notice at their own expense, while under current § 1016.9(c)(2) the notice is delivered to them, which represents a transfer of costs from industry to consumers. However, § 1016.9(c)(2)(ii)(A) provides consumers with a specific telephone number to request that the privacy notice be mailed to the consumer, which gives consumers the option of obtaining the notice without incurring the cost of printing it. Further, the Bureau believes that a printed form is mostly valuable to consumers who would exercise opt-out rights. The only opt outs that could be available to the consumer under § 1016.9(c)(2) would be *voluntary opt outs, i.e.*, opt outs from modes of sharing information that are not required by Regulation P, or (at the institution's discretion) an Affiliate Marketing Rule opt-out beyond those the institution has previously provided elsewhere. Voluntary opt outs do not appear to be common.[81]

A number of commenters claimed that few consumers derive any benefit from the annual privacy notice, most do not read the notice, and some consumers may dislike receiving it. A national trade association surveyed its members and found that 25% of the respondents who recalled receiving an annual privacy notice either disposed of the notice without opening it or opened it without reading it. The remaining 75% would skim or read the notice. One state banking association asked its members if the bank ever received a complaint or comment about the bank's privacy notice from a customer. The commenter did not provide quantitative information but offered examples of responses. Among the responses were statements that customers would call after receiving the annual privacy notice to complain or to ask not to receive the notice in the future. These commenters generally conclude that there would be no cost to consumers and perhaps additional benefits from alternatives to the rule that allowed for more widespread adoption of the alternative delivery method.

As explained at length above, the Bureau believes that requiring notices that have changed or that include required consumer opt-outs to be physically delivered, unless the consumer has agreed to receive them electronically, is more consistent with the importance to the statutory scheme of customers' ability to exercise opt-out rights and more consumer-friendly than allowing use of the alternative delivery method where notices have changed or include required opt-outs. That discussion is incorporated here. Further, the Bureau believes that while some consumers may prefer not to receive annual privacy notices even when those notices include required opt-outs, others may feel differently, and consumers who would fail to exercise an opt out if the alternative delivery method were available incur a cost. Finally, the Bureau notes that the data from one commenter described above at least suggests that consumers may benefit from physical delivery when the notice has changed.

Regarding benefits and costs to covered persons, the primary effect of the final rule is to reduce burden by lowering the costs to industry of providing annual privacy notices. The requirements in § 1016.9(c)(2) impose no new compliance requirements on any financial institution. All methods of

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methodology, the authors find that only about 32% (6,191 of 19,329) of this larger group of financial institutions posts the model privacy form on Web sites.

[80] The research that went into the development and testing of the model form was detailed in four reports: (1) *Financial Privacy Notice: A Report on Volidotion Testing Results (Kleimann Validatian Report)*, February 12, 2009, available at *http://www.ftc.gav/system/files/dacuments/reports/finoncial-privocy-notice-report-validotian-testing-results-kleimann-validatianrepart/financiol_privacy_notice_a_repart_on_volidotion_testing_results_kleimonn_volidotion_report.pdf*; (2) *Consumer Camprehensian af Financial Privacy Notices: A Repart an the Results af the Quontitative Testing (Levy-Hostok Report)*, December 15, 2008, *available at http://www.ftc.gav/system/files/documents/reports/quontitative-research-levy-hastok-report/quontitative_research_-_levy-hastok_repart.pdf*; (3) *Moll Intercept Study of Consumer Understonding af Finonciol Privacy Notices: Methodological Repart (Macro Internatianal Repart)*, September 18, 2008, *available at http://www.ftc.gov/system/files/documents/reports/quantitative-research-macro-internotional-repart/quontitotive_reseorch_-_mocro_internotianal_repart.pdf*; and (4) *Evalutian af a Prototype Financial Privacy Natice: A Report an the Farm Develapment Project*, March 31, 2006, available at *http://kleimann.com/ftcprivacy.pdf*. The development and testing of the model privacy notice is also discussed in L. Garrison, M. Hastak, J.M. Hogarth, S. Kleimann, A.S. Levy, *Designing Evidence-based Disclasures: A Case Study of Financial Privacy Natices*. The Journal of Consumer Affairs, Summer 2012: 204–234.

[81] *See* Cranor et al. (2013). Their findings (Table 2) imply that at most 15% of the 3,422 FDIC insured depositories that post the model privacy form on their Web sites offer at least one voluntary opt out. Data from a much larger group of financial institutions analyzed by Cranor et al. (undated) imply (Table 2) that at most 27% of the 6,191 financial institutions that post the model privacy form on their Web sites offer at least one voluntary opt out.

compliance under current law remain available to a financial institution, and a financial institution that is in compliance with current law is not required to take any different or additional action. The Bureau believes that a financial institution would adopt the alternative delivery method only if it expected the costs of complying with the alternative delivery method would be lower than the costs of complying with existing Regulation P.

By definition, the expected cost savings to financial institutions from the adoption of § 1016.9(c)(2) is the expected number of annual privacy notices that would be provided through the alternative delivery method multiplied by the expected reduction in the cost per-notice from using the alternative delivery method. As explained below, many financial institutions would not be able to use the alternative delivery method without changing their information sharing practices, and the Bureau believes that few financial institutions would find it in their interest to change information sharing practices just to reduce the costs of providing the annual privacy notice. Thus, the first step in estimating the expected cost savings to financial institutions from § 1016.9(c)(2) would be to identify the financial institutions whose current information sharing practices would allow them to use the alternative delivery method. The Bureau would then need to determine their currents costs for providing the annual privacy notices and the expected costs of providing these notices under § 1016.9(c)(2).[82]

The Bureau does not have sufficient data to perform every step of this analysis, but it performed a number of analyses and outreach activities to approximate the expected cost savings. Regarding banks, the Bureau examined the privacy policies of the 19 banks with assets over $100 billion as well as the privacy policies of 106 additional banks selected through random sampling.[83] The Bureau found that the overall average rate at which banks' information sharing practices would make them eligible for using the alternative delivery method if other conditions were met is 80%.[84] However, only 21% of sampled banks with assets over $10 billion could clearly use the alternative delivery method, while 81% of sampled banks with assets of $10 billion or less and 88% of sampled banks with assets of $500 million or less could clearly use the alternative delivery method. These results indicate that a large majority of smaller banks would likely be able to use the alternative delivery method but most of the largest banks would not.[85]

One state banking association surveyed its members and provided data that is generally consistent with the finding that the vast majority of smaller banks would likely be able to use the alternative delivery method. Ninety-nine institutions responded to at least one of six questions. Fifty-three provided their banks total assets; of these, 50 reported assets under $500 million. However, only 12 respondents stated that they would not be eligible to use the alternative delivery method. If these 12 respondents were among the 53 that provided their bank's total assets and all 53 responded to the question about eligibility, between 76% and 82% of this association's members with assets under $500 million believed they would be eligible to use the alternative delivery method.[86]

The Bureau also examined the privacy policies of the four credit unions with assets over $10 billion as well as the privacy policies of 50 additional credit unions selected through random sampling. The Bureau found that three of the four credit unions with assets over $10 billion clearly could use the alternative delivery method without changing their information sharing policies. Further, 67% of sampled credit unions with assets over $500 million could clearly use the alternative delivery method. However, the Bureau also found that only 13 of the 25 sampled credit unions with assets of $500 million or less either posted the model privacy form on their Web sites or provided enough information about their sharing practices to permit a clear determination regarding whether the alternative delivery method would be available to them (2 of the 25 did not have Web sites). The Bureau found that 11 of the 13 (85%) for which a determination could be made would be able to use the alternative delivery method, and the Bureau believes that a significant majority of the sample of 25 would be able to use the alternative delivery method (perhaps after adopting the model form). For purposes of this analysis, the Bureau conservatively assumes that only 11 of the 25 sampled credit unions with assets of $500 million or less would be able to use the alternative delivery method, although the actual figure is likely much higher.

The Bureau requested comment on how to improve this estimate of the number of small credit unions that would be able to use the alternative delivery method. The Bureau did not receive comments on this specific issue. Comments that relate to the general accuracy of these estimates are discussed below.

Although these estimates provide some insight into the numbers of banks and credit unions that could use the alternative delivery method, the Bureau does not have precise data on the number of annual privacy notices these institutions currently provide. Thus, it is not possible to directly compute the total number of annual privacy notices that would no longer be sent. The Bureau does, however, have information about the burden on banks, credit unions and non-depository financial institutions from providing the annual privacy notices from the Paperwork Reduction Act Supporting Statements for Regulation P on file with the Office of Management and Budget. This information can be used to obtain an estimate of the ongoing savings from the alternative delivery method.[87]

In estimating this savings for banks and credit unions, the analysis above establishes that it is essential to take into account the variation by size of banks and credit unions in relation to the likelihood they could use the alternative delivery method. To ensure that these differences inform the estimates, the Bureau allocated the total burden of providing the annual privacy notices to asset classes in proportion to the share of assets in the class. The Bureau then estimated an amount of burden reduction specific to each asset

[82] The analysis that follows makes certain additional assumptions about adjustments that financial institutions are not likely to undertake just to be able to adopt the alternative delivery method. For example, a small institution without a Web site might not find it worthwhile to establish one given the relatively small savings in costs that might result. These assumptions are discussed further below.

[83] The Bureau defined five strata for banks under $100 billion and three strata for credit unions under $10 billion and drew random samples from each of the strata. We obtained privacy policies from the Web sites of financial institutions.

[84] In these and subsequent calculations, entities that stated that they shared information so their affiliates could market to the consumer were considered eligible for the alternative delivery method since they could use the alternative delivery method as long as the annual privacy notice is not the only notice on which they provide the opt-out; *see* § 1016.9(c)(2)(i)(C).

[85] As discussed in the section-by-section analysis, a banking trade association commenting on the Streamlining RFI estimated that 75% of banks do not change their notices from year to year and do not share information in a way that gives rise to customer opt-out rights. The Bureau's estimate is consistent with this comment.

[86] Unfortunately, more precise calculations are not possible without more information about responses conditional on asset size and the response rate to each question.

[87] It is worth noting at the outset that, with this methodology, the total cost of providing the annual privacy notice and opt-out notice under Regulation P is approximately $30 million per year.

class using the results from the sampling described above. The total burden reduction is then the sum of the burden reductions in each asset class. For banks and credit unions combined, the estimated reduction in burden using this methodology is approximately $6.9 million annually.

Regarding non-depository financial institutions, the proposed analysis stated that based on initial outreach, a majority were likely to be able to use the alternative delivery method. The proposed analysis stated that the prohibition on disclosing information to third parties in the Fair Debt Collection Practices Act (FDCPA) suggested that financial institutions subject to those limits likely would be able to use the alternative delivery method when GLBA notice requirements apply.[88] The proposed analysis then used the overall average rate at which banks could utilize the alternative delivery method in its calculations of burden reduction for non-depository financial institutions. The Bureau stated that it would continue to refine its knowledge of the information sharing practices of non-depository financial institutions and requested comment and the submission of information relevant to this issue.

The Bureau received comment letters from a debt buyer, a trade association for debt buyers and one student loan servicer that identified proposed requirements that would have limited the ability of these non-depository financial institutions to use the alternative delivery method. All three commenters stated that restrictions on how financial institutions could provide the proposed notice of availability would limit use of the alternative delivery method. All three also stated that the requirement to use the model form would limit use of the alternative delivery method. These issues are discussed below.[89]

The two debt-buying entities commented that restrictions on how the proposed notice of availability could be provided would eliminate any savings from the alternative delivery method. Specifically, proposed § 1016.9(c)(2)(ii)(A) required the notice of availability to be provided on a notice or disclosure the financial institution was required or expressly and specifically permitted to issue under any other provision of law. One of these commenters stated that debt buyers are not required or specifically permitted to issue notices to consumers on a regular or annual basis. Thus, the alternative delivery method would simply exchange one annual privacy notice requirement for another. The other debt-buyer commenter stated that consumers whose accounts were not in active collections may not receive any correspondence from the commenter in the course of a year other than the annual privacy notice. Thus, the notice of availability would eliminate the savings intended by the alternative delivery method. In contrast, the student loan servicer commented that lenders and servicers of private education loans send periodic statements, but since no law requires them, proposed § 1016.9(c)(2)(ii)(A) would not allow its members to use periodic statements to provide the notice of availability.

As discussed above, the Bureau is revising proposed § 1016.9(c)(2)(ii)(A) to permit the notice of availability to be included on an account statement which would include periodic statements or billing statements not required or expressly permitted by law. The Bureau believes that this would permit student loan servicers and other non-depository financial institutions to use the alternative delivery method, as was assumed in the proposed analysis. This change from the proposed rule may also permit additional debt buyers to reduce costs by adopting the alternative delivery method.[90] The Bureau recognizes, however, that final § 1016.9(c)(2)(ii)(A) may still deter many debt buyers from adopting the alternative delivery method.

All three commenters also stated that the requirement to use the model form would limit use of the alternative delivery method. The two debt-buying entities cited requirements in the FDCPA that they stated made it difficult for them to adopt the model form. In contrast, the student loan servicer stated that some of its members that do not currently use the model form might not adopt it because they believed that the information they provide is more comprehensive.

As discussed above, while the Bureau is requiring use of the model form, the Bureau is modifying proposed § 1016.9(c)(2)(ii)(B) to clarify that information that is not content, such as navigational menus that link to other pages on the financial institution's Web site, could appear on the same page as the privacy notice and link to another portion of the financial institution's Web site that contains information supplemental to the privacy notice. The Bureau believes that this would encourage student loan servicers as well as other non-depository financial institutions to adopt the model form and use the alternative delivery method.

There is necessarily considerable uncertainty around any estimate of the number of non-depository financial institutions that could use the alternative delivery method. However, the Bureau did not receive any comments directly on the assumption that non-depository financial institutions will be able to utilize the alternative delivery method at the same overall average rate as banks. Further, partly in response to comments from non-depository financial institutions, the Bureau is adopting § 1016.9(c)(2)(ii)(A) with changes from the proposal so that it is less of a barrier to adoption of the alternative delivery method. Finally, while the Bureau recognizes that many debt buyers may not be able to use the alternative delivery method, debt buyers are one group in the extremely large and heterogeneous group of non-depository financial institutions subjection to Regulation P. The Bureau therefore continues to estimate the reduction in burden on non-depository financial institutions as approximately $10 million annually.[91]

Thus, the Bureau believes that the total reduction in burden is approximately $17 million dollars annually. This represents about 58% of the total $30 million annual cost of providing the annual privacy notice and opt-out notice under Regulation P.[92]

[88] FDCPA section 805(b) generally prohibits communication with third parties in connection with the collection of a debt.

[89] The Bureau requested comment on, but did not propose, requiring a dedicated telephone number for privacy notice requests. The student loan servicer commented that this requirement would not be a good use of resources for small lenders. The Bureau is not requiring a dedicated telephone number for these requests in the final rule; further, the Bureau is not finalizing the proposed requirement that the telephone number for these requests be toll-free.

[90] One of the debt-buyer commenters recommended that the Bureau allow the statement of availability to be provided on "any legally permissible" mailed materials. The Bureau intends the term account statement to be flexible and it might include some of the legally permissible materials mentioned by this debt buyer. However, it would not include materials such as advertisements or newsletters.

[91] Note that this figure excludes auto dealers. Auto dealers are regulated by the FTC and would not be directly impacted by this amendment to Regulation P.

[92] The Bureau recognizes that this analysis does not take into account the possibility that, as with banks and credit unions, the largest non-depository financial institutions may be least likely to be able to use the alternative delivery method. Assuming the size distribution and utilization rate are the same as for credit unions, the reduction in burden on non-depository financial institutions would be approximately $7.5 million annually instead of $10 million annually.

The Bureau did not receive comments directly on this estimate or the methodology. The Bureau did receive quantitative information from individual financial institutions and state associations about the costs of providing annual privacy notices and in some cases the expected savings from the alternative delivery method. It not possible to use this information to precisely estimate market-wide totals for the baseline cost and expected savings. The data is, however, informative regarding the Bureau's estimates.

Regarding banks, a state banking association that surveyed its members provided data in which the average cost of providing the notices was about $1,700. All but one of the respondents had assets under $500 million. A bank with $367 million in assets reported spending $1,800 on printing. A bank with $442 million in assets reported spending $1,900 on printing and mailing. A bank with $1.1 billion in assets reported spending $3,800 on printing and stated it delivers the annual privacy notice with an account statement. A bank with $3 billion in assets reported spending $20,000 on notice distribution. It is not possible to extrapolate precisely from this data to the entire market without additional information regarding the representativeness of this data, the relationship between assets and costs, the proportion of banks that incur mailing costs when distributing the notice, and the costs for banks above $3 billion in assets. However, applying these figures to the roughly 7,000 banks in the United States suggests costs of well over $40 million to the banking sector alone.

The Bureau received similar information from credit unions. A credit union with $12 million in assets and 3,000 members reported that it would save $150 per year with the alternative delivery method. A credit union with approximately $1 billion in assets reported spending $4,200 on printing and $36,800 on mailing. A credit union with $5 billion in assets reported spending $10,000 on printing and delivers the annual notice with an account statement. In addition, one trade association for debt-buyers reported that debt buyers alone spend approximately $28 million on mailing annual privacy notices.[93]

The data provided by commenters suggests that the total cost of providing annual privacy notices by financial institutions subject to Regulation P may currently be larger than the $30 million reported above. To improve this estimate would require extensive data collection from a wide range of financial institutions and is not reasonably available to the Bureau. The previous analysis does not, however, indicate any significant error in the estimate that the alternative delivery method may relieve about 58% of the total annual cost of providing the annual privacy notice and opt-out notice under Regulation P. The Bureau has a continuing interest in improving its estimates of regulatory burden and burden reduction and welcomes comments on these estimates at any time.

The Bureau notes that these estimates of ongoing savings are gross figures and do not take into account any one-time or ongoing costs associated with the alternative delivery method. The Bureau believes that one-time costs associated with using the alternative delivery method would be minimal and would not prevent adoption of the alternative delivery method, as long as the institution already has a Web site and currently annually provides an account statement, coupon book, or notice or disclosure as described in § 1016.9(c)(2)(ii)(A). In the analysis above, the Bureau found that all but two financial institutions had Web sites and assumed that these two institutions would not adopt the alternative delivery method. However, the Bureau recognizes that it sampled very few of the smallest financial institutions and that these are the ones most likely not to have Web sites.

Comments on the proposed rule were generally consistent with the Bureau's analysis. One state banking association commented that approximately 5% of its members do not have a Web site. Another state banking association reported that 5 respondents to a survey that received 99 responses stated that they do not have a Web site. One state banking association reported that, when asked to estimate the cost of putting the annual privacy notice on a Web page that only contains the privacy notice, 15 responded that the cost would be "minimal," one responded it would cost $500, and one that it would cost $3000. One bank with approximately $3 billion in assets commented that the cost of adding a Web page would be "insignificant." A bank with under $500 million in assets commented that it had paid $700 to its vendor to make an electronic version of its privacy notice available on its Web site. These results are consistent with the Bureau's own research and analysis. The Bureau requested information regarding the use of Web sites by non-depository financial institutions but did not receive any data on this subject.

The Bureau believes that the one-time costs associated with providing the notice of availability annually on an account statement, coupon book, or notice or disclosure as described in § 1016.9(c)(2)(ii)(A) would be small. One state banking association commented that, given the range of customer relationship types, a bank may need to adjust a number of different notices in order to provide the notice of availability to all of its customers. The Bureau believes that the cost of each adjustment would be small. These costs would also be recouped over time through the savings achieved from no longer delivering the annual privacy notice through the mail or even through some of the other delivery methods that the existing rule permits.[94]

Similarly, the Bureau believes that the requirements for using the alternative delivery method would provide few sources of additional ongoing costs relative to the baseline to financial institutions that adopt it. These costs would consist of additional text on an account statement, coupon book, notice or disclosure the institution already provides, maintaining a Web page dedicated to the annual privacy notice if one does not already exist, additional telephone calls from consumers requesting that the model form be mailed, and the costs of mailing the forms prompted by these calls. The Bureau currently believes that few consumers will request that the form be mailed in order to read it or to exercise any voluntary or FCRA Affiliate Marketing Rule opt-out right. A number of commenters stated that the proposed requirement to maintain a toll-free telephone number for requesting annual privacy notices (and the alternative considered of a dedicated toll-free number) would impose an unnecessary expense. Final § 1016.9(c)(2)(ii)(A) does not require the telephone number to be toll-free.

One caveat regarding these estimates concerns the use of consolidated privacy notices by entities regulated by different agencies. For example, entities that could comply with Regulation P by adopting the alternative delivery

[93] A financial corporation with $2 billion in assets reported sending approximately 37,000 annual privacy notices and needing 100 hours for this work.

[94] The Bureau believes that banks and credit unions have relatively few customers to whom they do not send at least once per year, an account statement, coupon book, or other notice or disclosure that meets the conditions in final § 1016.9(c)(2)(ii)(A). Some banks and credit unions and their associations commented that § 1016.9(c)(2)(ii)(A) was too restrictive in this regard and might limit adoption of the alternative delivery method. As discussed above, final § 1016.9(c)(2)(ii)(A) is less restrictive.

method would not do so if they still needed to send these customers an additional disclosure in order to comply with the GLBA regulations of other agencies. The Bureau believes that among the entities that will continue to use a standard delivery method, few will do so solely because of the need to comply with the GLBA regulations of multiple agencies. Rather, most such entities will also be large financial institutions and will not satisfy the requirements on information sharing in § 1016.9(c)(2)(i)(A)–(C). Thus, the Bureau believes that its estimates regarding the adoption of the alternative delivery method are accurate, notwithstanding the use of consolidated privacy notices, since the use of consolidated privacy notices is likely highly correlated with information sharing practices that alone prevent the adoption of the alternative delivery method. The Bureau requested data and other factual information regarding the extent to which the use of consolidated privacy notices may prevent the adoption of the alternative delivery method. The Bureau did not receive any comments on this issue.

In developing the rule, the Bureau considered alternatives to the requirements it is adopting. As discussed at length above, the Bureau believes that the alternative delivery method might not adequately alert customers to their ability to opt out of certain types of information sharing were it available where a financial institution shares a customer's nonpublic personal information beyond the exceptions in §§ 1016.13, 1016.14, and 1016.15. Thus, the Bureau considered but is not adopting an option in which the alternative delivery method could be used where a financial institution shares beyond one or more of these exceptions. For the same reason, the Bureau considered but is not adopting an option in which the alternative delivery method could be used where a financial institution shares information in a way that triggers information sharing opt-out rights under section 603(d)(2)(A)(iii) of the FCRA. On the other hand, the Bureau considered an option in which the alternative delivery method could never be used where a customer has an opt-out right under the Affiliate Marketing Rule. A financial institution may use the alternative delivery method if the requirements under section 624 of the FCRA and the Affiliate Marketing Rule have been satisfied previously or the annual privacy notice is not the only notice provided to satisfy such requirements. This case is distinguishable from the other two in that the Affiliate Marketing Rule opt-out notice is not required to be included on the annual privacy notice and may be sent separately. As explained above, a financial institution could send the separate Affiliate Marketing Rule opt-out only once (as long as it honored that opt-out indefinitely) and use the alternative delivery method to meet its yearly annual notice requirement, with or without including the Affiliate Marketing Rule opt-out notice on the model form.

The Bureau also considered alternatives to the requirements regarding the types of information that cannot have changed since the previous annual notice to be able to use the alternative delivery method. The Bureau discussed these alternatives at length above and incorporates that discussion here.

C. Potential Specific Impacts of the Rule

The Bureau currently understands that 81% of banks with $10 billion or less in assets would be able to utilize the alternative delivery method, with a greater opportunity for utilization among the smaller banks. Thus, the rule may have differential impacts on insured depository institutions with $10 billion or less in assets as described in section 1026 of the Dodd-Frank Act. The Bureau also currently understands that at least 46% of credit unions with $10 billion or less in assets, and perhaps substantially more, would be able to utilize the alternative delivery method, with a greater opportunity for utilization among credit unions in the middle of this group. The uncertainty reflects the relatively large number of very small credit unions that do not post the model form on their Web sites and which therefore could not clearly use the alternative delivery method.

The Bureau does not believe that the rule would reduce consumers' access to consumer financial products or services. The rule may, however, benefit consumers in rural areas less than consumers in non-rural areas. Rural consumers in most states have far less access to broadband and the alternative delivery method may displace delivery of paper notices with notices posted on Web sites.[95] Rural consumers likely still would benefit overall, however, given the general availability of the disclosure through slower internet access or on request by telephone and the potentially greater use of the model form.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small not-for-profit organizations. The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.[96] The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.[97]

The Bureau now certifies that a FRFA is not required for this final rule because it will not have a significant economic impact on a substantial number of small entities. The Bureau does not expect the final rule to impose costs on small entities. All methods of compliance under current law will remain available to small entities under the final rule. Thus, a small entity that is in compliance with current law need not take any different or additional action. In addition, the Bureau believes that the alternative delivery method would allow some small institutions to reduce costs, but by a small amount relative to overall costs given that this rulemaking addresses a single disclosure.

Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

VII. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[98] Federal agencies are generally required to seek Office of Management and Budget (OMB) approval for information collection requirements prior to implementation. This final rule will amend Regulation P, 12 CFR part 1016. The collections of information related to Regulation P have been previously reviewed and approved by OMB in accordance with the PRA and assigned OMB Control Number 3170–0010. Under the PRA, the Bureau may not conduct or sponsor, and,

[95] For a comparison of access to broadband by rural and non-rural consumers, *see Bringing Broadband to Rural America: Update to Report on a Rural Broadband Strategy,* June 17, 2011, pages 22–24, *available at https://apps.fcc.gov/edocs_public/attachmatch/DOC-320924A1.pdf.*

[96] 5 U.S.C. 603–605.

[97] 5 U.S.C. 609.

[98] 44 U.S.C. 3501 *et seq.*

notwithstanding any other provision of law, a person is not required to respond to an information collection, unless the information collection displays a valid control number assigned by OMB.

As explained below, the Bureau has determined that this rule does not contain any new or substantively revised information collection requirements other than those previously approved by OMB. Under this rule, a financial institution will be permitted, but not required, to use an alternative delivery method for the annual privacy notice if:

(1) It does not disclose the customer's nonpublic personal information to nonaffiliated third parties in a manner that triggers GLBA opt-out rights;

(2) It does not include on its annual privacy notice an opt-out notice under section 603(d)(2)(A)(iii) of the Fair Credit Reporting Act (FCRA);

(3) The requirements of section 624 of the FCRA and the Affiliate Marketing Rule, if applicable, have been satisfied previously or the annual privacy notice is not the only notice provided to satisfy such requirements;

(4) The information included in the privacy notice has not changed since the customer received the previous notice (subject to an exception); and

(5) It uses the model form provided in the GLBA's implementing Regulation P.

Under the alternative delivery method, the financial institution would have to:

(1) Convey in a clear and conspicuous manner not less than annually on an account statement, coupon book, or a notice or disclosure the institution issues under any provision of law that its privacy notice is available on its Web site, it will be mailed to customers who request it by telephone, and it has not changed;

(2) Post its current privacy notice continuously and in a clear and conspicuous manner on a page of its Web site on which the only content is the privacy notice, without requiring the customer to provide any information such as a login name or password or agree to any conditions to access the page; and

(3) Mail its current privacy notice to customers who request it by telephone within ten days of the request.

Under Regulation P, the Bureau generally accounts for the paperwork burden for the following respondents pursuant to its enforcement/supervisory authority: Insured depository institutions with more than $10 billion in total assets, their depository institution affiliates, and certain non-depository financial institutions. The Bureau and the FTC generally both have enforcement authority over non-depository financial institutions subject to Regulation P. Accordingly, the Bureau has allocated to itself half of the final rule's estimated burden on non-depository institutions subject to Regulation P. Other Federal agencies, including the FTC, are responsible for estimating and reporting to OMB the paperwork burden for the institutions for which they have enforcement and/or supervision authority. They may use the Bureau's burden estimation methodology, but need not do so.

The Bureau does not believe that this rule would impose any new or substantively revised collections of information as defined by the PRA, and instead believes that it would have the overall effect of reducing the previously approved estimated burden on industry for the information collections associated with the Regulation P annual privacy notice. Using the Bureau's burden estimation methodology, the reduction in the estimated ongoing burden would be approximately 584,000 hours annually for the roughly 13,500 banks and credit unions subject to the rule, including Bureau respondents, and the roughly 29,400 entities subject to the Federal Trade Commission's enforcement authority also subject to the rule. The reduction in estimated ongoing costs from the reduction in ongoing burden would be approximately $17 million annually.

The Bureau believes that the one-time cost of adopting the alternative delivery method for financial institutions that would adopt it is *de minimis*. Financial institutions that already use the model form and would adopt the alternative delivery method would incur minor one-time legal, programming, and training costs. These institutions would have to communicate on an account statement, coupon book, or notice or disclosure that the privacy notice is available. The expense of adding this notice would be minor, particularly where the institution would be issuing the account statement, coupon book, or notice or disclosure anyway. Staff may need some additional training in storing copies of the model form and sending it to customers on request. Institutions that do not use the model form would incur a one-time cost for creating one. However, since the promulgation of the model privacy form in 2009, an Online Form Builder has existed which any institution can use to readily create customized privacy notices using the model form template.[99] The Bureau assumes that financial institutions that do not currently have Web sites would not choose to comply with these requirements in order to use the alternative delivery method.

The Bureau's methodology for estimating the reduction in ongoing burden was discussed at length above. The Bureau defined five strata for banks under $100 billion and three strata for credit unions under $10 billion, drew random samples from each of the strata (separately for banks and credit unions) and examined the GLBA privacy notices available on the financial institutions' Web sites, if any. The Bureau separately examined the Web sites of all banks over $100 billion (one additional bank stratum) and all credit unions over $10 billion (one additional credit union stratum). This process provided an estimate of the fraction of institutions within each bank or credit union stratum which would likely be able to use the alternative delivery method. In order to compute the reduction in ongoing burden (by stratum and overall) for these financial institutions, the Bureau apportioned the existing ongoing burden to each stratum according to the share of overall assets held by the financial institutions within the stratum. This was done separately for banks and credit unions. Note that this procedure ensures that the largest financial institutions, while few in number, are apportioned most of the existing burden. The Bureau then multiplied the estimate of the fraction of institutions within each stratum that would likely be able to use the alternative delivery method by the estimate of the existing ongoing burden within each stratum, separately for banks and credit unions. As discussed above, the largest bank and credit union strata tended to have the lowest share of financial institutions that could use the alternative delivery method.

For the non-depository institutions subject to the FTC's enforcement authority that are subject to the Bureau's Regulation P, the Bureau estimated the reduction in ongoing burden by applying the overall share of banks that would likely be able to use the alternative delivery method (80%) to the current ongoing burden on non-depository financial institutions (exclusive of auto dealers) from providing the annual privacy notices and opt outs.

The Bureau takes all of the reduction in ongoing burden from banks and credit unions with assets $10 billion and above and half the reduction in ongoing burden from the non-depository institutions subject to the FTC enforcement authority that are subject to

[99] This Online Form Builder is available at *http://www.federalreserve.gov/newsevents/press/bcreg/20100415a.htm.*

the Bureau's Regulation P. The current Bureau burden for all information collections in Regulation P is 516,000 hours. The total reduction in ongoing burden taken by 14,844 Bureau respondents is 261,904 hours. The remaining Bureau burden for all information collections in Regulation P is 254,096 hours.

SUMMARY OF BURDEN CHANGES

Information collections	Previously approved total burden hours	Net change in burden hours	New total burden hours
Notices and disclosures	516,000	−261,904	254,096

The Bureau has determined that the rule does not contain any new or substantively revised information collection requirements as defined by the PRA and that the burden estimate for the previously-approved information collections should be revised as explained above.

List of Subjects in 12 CFR Part 1016

Banks, Banking, Consumer protection, Credit, Credit unions, Foreign banking, Holding companies, National banks, Privacy, Reporting and recordkeeping requirements, Savings associations, Trade practices.

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation P, 12 CFR part 1016, as set forth below:

PART 1016—PRIVACY OF CONSUMER FINANCIAL INFORMATION (REGULATION P)

■ 1. The authority citation for part 1016 continues to read as follows:

Authority: 12 U.S.C. 5512, 5581; 15 U.S.C. 6804.

■ 2. Section 1016.1(b)(1) is revised to read as follows:

§ 1016.1 Purpose and scope.

* * * * *

(b) *Scope.* (1) This part applies only to nonpublic personal information about individuals who obtain financial products or services primarily for personal, family, or household purposes from the institutions listed below. This part does not apply to information about companies or about individuals who obtain financial products or services for business, commercial, or agricultural purposes. This part applies to those financial institutions and other persons for which the Bureau of Consumer Financial Protection (Bureau) has rulemaking authority pursuant to section 504(a)(1)(A) of the Gramm-Leach-Bliley Act (GLB Act) (15 U.S.C. 6804(a)(1)(A)). Specifically, this part applies to any financial institution and other covered person or service provider that is subject to Subtitle A of Title V of the GLB Act, including third parties that are not financial institutions but that receive nonpublic personal information from financial institutions with whom they are not affiliated. This part does not apply to certain motor vehicle dealers described in 12 U.S.C. 5519 or to entities for which the Securities and Exchange Commission or the Commodity Futures Trading Commission has rulemaking authority pursuant to sections 504(a)(1)(A)–(B) of the GLB Act (15 U.S.C. 6804(a)(1)(A)–(B)). Except as otherwise specifically provided herein, entities to which this part applies are referred to in this part as "you."

Subpart A—Privacy and Opt-Out Notices

■ 3. Section 1016.9(c) is revised to read as follows:

§ 1016.9 Delivering privacy and opt out notices.

* * * * *

(c) *Annual notices only*—(1) *Reasonable expectation.* You may reasonably expect that a customer will receive actual notice of your annual privacy notice if:

(i) The customer uses your Web site to access financial products and services electronically and agrees to receive notices at the Web site, and you post your current privacy notice continuously in a clear and conspicuous manner on the Web site; or

(ii) The customer has requested that you refrain from sending any information regarding the customer relationship, and your current privacy notice remains available to the customer upon request.

(2) *Alternative method for providing certain annual notices.* (i) Notwithstanding paragraph (a) of this section, you may use the alternative method described in paragraph (c)(2)(ii) of this section to satisfy the requirement in § 1016.5(a)(1) to provide a notice if:

(A) You do not disclose the customer's nonpublic personal information to nonaffiliated third parties other than for purposes under §§ 1016.13, 1016.14, and 1016.15;

(B) You do not include on your annual privacy notice pursuant to § 1016.6(a)(7) an opt out under section 603(d)(2)(A)(iii) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)(iii));

(C) The requirements of section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681s–3) and subpart C of part 1022 of this chapter, if applicable, have been satisfied previously or the annual privacy notice is not the only notice provided to satisfy such requirements;

(D) The information you are required to convey on your annual privacy notice pursuant to § 1016.6(a)(1) through (5), (8), and (9) has not changed since you provided the immediately previous privacy notice (whether initial, annual, or revised) to the customer, other than to eliminate categories of information you disclose or categories of third parties to whom you disclose information; and

(E) You use the model privacy form in the appendix to this part for your annual privacy notice.

(ii) For an annual privacy notice that meets the requirements in paragraph (c)(2)(i) of this section, you satisfy the requirement in § 1016.5(a)(1) to provide a notice if you:

(A) Convey in a clear and conspicuous manner not less than annually on an account statement, coupon book, or a notice or disclosure you are required or expressly and specifically permitted to issue to the customer under any other provision of law that your privacy notice is available on your Web site and will be mailed to the customer upon request by telephone. The statement must state that your privacy notice has not changed and must include a specific Web address that takes the customer directly to the page where the privacy notice is posted and a telephone number for the customer to request that it be mailed;

(B) Post your current privacy notice continuously and in clear and conspicuous manner on a page of your Web site on which the only content is the privacy notice, without requiring the customer to provide any information such as a login name or password or

agree to any conditions to access the page; and

(C) Mail your current privacy notice to those customers who request it by telephone within ten days of the request.

(iii) An example of a statement that satisfies paragraph (c)(2)(ii)(A) of this section is as follows with the words "Privacy Notice" in boldface or otherwise emphasized: Privacy Notice—Federal law requires us to tell you how we collect, share, and protect your personal information. Our privacy policy has not changed and you may review our policy and practices with respect to your personal information at [Web address] or we will mail you a free copy upon request if you call us at [telephone number].

* * * * *

Dated: October 17, 2014.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2014–25299 Filed 10–27–14; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0423; Directorate Identifier 2013–NM–233–AD; Amendment 39–17997; AD 2014–21–05]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, MD–10–10F, and MD–10–30F airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the forward cargo compartment frames are subject to widespread fatigue damage (WFD). This AD requires an inspection of the attachment holes at the forward cargo compartment frames and the cargo liner for cracking, and repair if necessary. This AD would also require installing new oversized fasteners in the forward cargo compartment frames. We are issuing this AD to prevent fatigue cracking of the forward cargo compartment frames, which could result in loss of the fail-safe structural integrity of the airplane.

DATES: This AD is effective December 2, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 2, 2014.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA 98057–3356. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0423; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM 120L, Los Angeles Aircraft Certification Office (ACO), FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5234; fax: 562–627–5210; email: *nenita.odesa@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, MD 10–10F, and MD–10–30F airplanes. The NPRM published in the **Federal Register** on June 30, 2014 (79 FR 36669). The NPRM was prompted by an evaluation by the DAH indicating that the forward cargo compartment frames are subject to WFD. The NPRM proposed to require an inspection of the attachment holes at the forward cargo compartment frames and the cargo liner for cracking, and repair if necessary. The NPRM also proposed to require installing new oversized fasteners in the forward cargo compartment frames. We are issuing this AD to prevent fatigue cracking of the forward cargo compartment frames, which could result in loss of the fail-safe structural integrity of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comment received. Boeing supported the NPRM (79 FR 36669, June 30, 2014).

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 36669, June 30, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 36669, June 30, 2014).

Costs of Compliance

We estimate that this AD affects 25 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	Up to 19 work-hours × $85 per hour = $1,615	$0	Up to $1,615	Up to $40,375.
Modification	Up to 6 work-hours × $85 per hour = $510	Up to $801	Up to $1,311	Up to $32,775.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–21–05 The Boeing Company: Amendment 39–17997 ; Docket No. FAA–2014–0423; Directorate Identifier 2013–NM–233–AD.

(a) Effective Date

This AD is effective December 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, MD–10–10F, and MD–10–30F airplanes, certificated in any category, as identified in Boeing Service Bulletin DC10–53–182, dated June 28, 2013.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the forward cargo compartment frames are subject to widespread fatigue damage (WFD). We are issuing this AD to prevent fatigue cracking of the forward cargo compartment frames, which could result in loss of the fail-safe structural integrity of the airplane.

(f) Compliance

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

(g) Inspection

Prior to the accumulation of 30,000 total flight cycles, or within 72 months after the effective date of this AD, whichever occurs later: Do a high frequency eddy current inspection for cracking of the attachment holes at the forward cargo compartment frames and the cargo liner, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10–53–182, dated June 28, 2013. If any crack is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(h) Installation of New Fasteners

If no cracking is found during the inspection required by paragraph (g) of this AD: Before further flight, install new oversized fasteners to attach the forward cargo liner to the forward cargo compartment frame, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10–53–182, dated June 28, 2013.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-REQUESTS@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(j) Related Information

For more information about this AD, contact Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM 120L, Los Angeles Aircraft Certification Office (ACO), FAA, 3960 Paramount Boulevard, Lakewood, CA 90712 4137; phone: 562–627–5234; fax: 562–627–5210; email: *nenita.odesa@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Service Bulletin DC10–53–182, dated June 28, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA 98057–3356. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on October 13, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25013 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0451; Directorate Identifier 2013–NM–122–AD; Amendment 39–17996; AD 2014–21–04]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 airplanes. This AD was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. This AD requires repetitive high frequency eddy current (ETHF) inspections for cracks in the areas around the two aft-most barrel nut holes of the upper rear spar caps, and corrective actions if necessary; and repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, and corrective actions if necessary. We are issuing this AD to detect and correct cracks in the horizontal stabilizer, which could propagate until an upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

DATES: This AD is effective December 2, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 2, 2014.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0451; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *george.garrido@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 airplanes. The NPRM published in the **Federal Register** on July 18, 2014 (79 FR 41946). The NPRM was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. The NPRM proposed to require repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of the upper rear spar caps, and corrective actions if necessary; and repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, and corrective actions if necessary. We are issuing this AD to detect and correct cracks in the horizontal stabilizer, which could propagate until an upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comment received. Boeing supported the NPRM (79 FR 41946, July 18, 2014).

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 41946, July 18, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 41946, July 18, 2014).

Costs of Compliance

We estimate that this AD affects 668 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	5 work-hours × $85 per hour = $425 per inspection cycle.	$0	$425 per inspection cycle.	$283,900 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	Up to 394 work-hours × $85 per hour = $33,490	Up to $32,440	Up to $65,930.
Replacement	Up to 394 work-hours × $85 per hour = $33,490	Up to $60,222	Up to $93,712.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–21–04 The Boeing Company: Amendment 39–17996 ; Docket No. FAA–2014–0451; Directorate Identifier 2013–NM–122–AD.

(a) Effective Date

This AD is effective December 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all the Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. We are issuing this AD to detect and correct cracks in the horizontal stabilizer, which could propagate until an upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Inspection

At the applicable compliance time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013; except as provided by paragraph (i) of this AD: Do a high frequency eddy current inspection (ETHF) for cracks in the areas around the two aft-most barrel nut holes of the left and right upper rear spar caps, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013. Thereafter, repeat the ETHF inspection at the applicable time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013; except as provided by paragraph (i) of this AD. If any cracking is found during any inspection, before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013.

(h) Post-Repair/Replacement Actions

For airplanes on which a splice repair or replacement was done, as specified in Boeing Alert Service Bulletin MD80–55A070: At the applicable compliance time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013, do a ETHF inspection for cracks at the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013. Thereafter, repeat the ETHF inspection at the applicable time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013. If any cracking is found during any inspection, before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013.

(i) Exception to the Service Information Specifications

Where Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013, specifies a compliance time "after the original issue date of this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin MD80–55A070, dated May 22, 2013, which is not incorporated by reference in this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may

be emailed to: *9-ANM-LAACO-AMOC-REQUESTS@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

(l) Related Information

(1) For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *george.garrido@faa.gov.*

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

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin MD80–55A070, Revision 1, dated December 17, 2013.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com.*

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

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

Issued in Renton, Washington, on October 13, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25019 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0287; Directorate Identifier 2013–NM–247–AD; Amendment 39–18000; AD 2014–21–07]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a report that certain parts of the aft baggage door did not conform to the design specifications and were of degraded strength. This AD requires repetitive inspections for cracking and deformations of certain stop fittings and striker plates of the aft baggage bay door; and replacement, which would terminate the repetitive inspections. We are issuing this AD to prevent cracking and deformations of certain stop fittings and striker plates, which could result in the opening of the aft baggage bay door and rapid decompression or reduced controllability of the airplane.

DATES: This AD becomes effective December 2, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 2, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0287;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

FOR FURTHER INFORMATION CONTACT: Ricardo Garcia, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7331; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on May 29, 2014 (79 FR 30751).

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–37, dated November 28, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition on certain Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> During the manufacturing process, it was found that certain aft baggage bay door stop fittings and striker plates did not conform to the design specifications due to a quality control problem. This quality escape could degrade the strength of the affected aft baggage bay door stop fittings and striker plates. Failure of the aft baggage bay door stop fittings or striker plates may result in the opening of the aft baggage bay door and consequent rapid decompression of the aeroplane during flight.
>
> This [Canadian] AD mandates the initial and repetitive inspections of each aft baggage bay door stop fitting and striker plate until the terminating action [stop fitting/striker plate replacement] is accomplished.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0287-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 30751, May 29, 2014) or on the determination of the cost to the public.

"Contacting the Manufacturer" Paragraph in This AD

Since late 2006, we have included a standard paragraph titled "Airworthy Product" in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

We have become aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it "Contacting the Manufacturer." This paragraph now clarifies that for any requirement in this AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, TCCA, or Bombardier, Inc.'s TCCA Design Approval Organization (DAO).

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DAO, the approval must include the DAO-authorized signature. The DAO signature indicates that the data and information contained in the document are TCCA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DAO-authorized signature approval are not TCCA-approved, unless TCCA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are "Required for Compliance" with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

We also have decided not to include a generic reference to either the "delegated agent" or "design approval holder (DAH) with State of Design Authority design organization approval," but instead we have provided the specific delegation approval granted by the State of Design Authority for the DAH.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 30751, May 29, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 30751, May 29, 2014).

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

Costs of Compliance

We estimate that this AD affects 73 airplanes of U.S. registry.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $6,205, or $85 per product.

In addition, we estimate that any necessary follow-on actions will take about 22 work-hours and require parts costing $0, for a cost of $1,870 per product. We have no way of determining the number of aircraft that might need this action.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a "significant regulatory action" under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0287;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–21–07 Bombardier, Inc.: Amendment 39–18000. Docket No. FAA–2014–0287; Directorate Identifier 2013–NM–247–AD.

(a) Effective Date

This AD becomes effective December 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Bombardier, Inc. airplanes specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10303 through 10333 inclusive.

(2) Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15257 through 15284 inclusive.

(3) Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19011 through 19024 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by a report that certain parts of the aft baggage door did not conform to the design specifications and were of degraded strength. We are issuing this AD to prevent cracking and deformations of stop fittings and striker plates, which could result in the opening of the aft baggage bay door and rapid decompression or reduced controllability of the airplane.

(f) Compliance

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

(g) Inspections of the Aft Baggage Bay Door Stop Fittings and Striker Plates

Within 600 flight hours or 6 months after the effective date of this AD, whichever occurs first: Do a detailed visual inspection for cracking and deformations of the stop fittings and striker plates of the aft baggage bay door, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–52–037, Revision B, dated September 16, 2013. Repeat the inspection thereafter at intervals not to exceed 2,000 flight hours or 12 months, whichever occurs first, until the terminating action specified in paragraph (h) of this AD has been accomplished. If a crack or deformation is found on a stop fitting or striker plate, before further flight, replace the affected fittings and striker plates, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–52–037, Revision B, dated September 16, 2013.

(h) Terminating Action—Replacement of the Aft Baggage Bay Door Stop Fittings and Striker Plates

Within 6,000 flight hours or 36 months, whichever occurs first, after the effective date of this AD: Replace the affected stop fittings and striker plates, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–52–037, Revision B, dated September 16, 2013. Replacement of the affected stop fittings and striker plates of the aft baggage bay door constitutes terminating action for the repetitive inspections required by paragraph (g) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, Engine and Propeller Directorate, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–37, dated November 28, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0287-0002.*

(k) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 670BA–52–037, Revision B, dated September 16, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

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

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

Issued in Renton, Washington, on October 13, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25022 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0581; Directorate Identifier 2014–NM–167–AD; Amendment 39–17999; AD 2014–17–51]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–2B16 airplanes. This emergency AD was sent previously to all known U.S. owners and operators of these airplanes. This AD requires inspecting the inboard flap fasteners of the hinge-box forward fitting at Wing Station (WS) 76.50 and WS 127.25 to determine the orientation and condition of the fasteners, as applicable, and replacement or repetitive inspections of the fasteners if necessary. This AD also provides for optional terminating action for the requirements of the AD. This AD was prompted by reports of fractured fastener heads on the inboard flap hinge-box forward fitting at WS 76.50 due to incorrect installation. We are issuing this AD to detect and correct

incorrectly oriented or fractured fasteners, which could result in premature failure of the fasteners attaching the inboard flap hinge-box forward fitting. Failure of the fasteners could lead to the detachment of the flap hinge box and the flap surface, and consequent loss of control of the airplane.

DATES: This AD is effective November 12, 2014 to all persons except those persons to whom it was made immediately effective by Emergency AD 2014–17–51, issued on August 19, 2014, which contained the requirements of this amendment.

The Director of the Federal Register approved the incorporation by reference of certain publications identified in this AD as of November 12, 2014.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of March 6, 2014 (79 FR 9389, February 19, 2014).

We must receive comments on this AD by December 12, 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 AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com*; Internet *http://www.bombardier.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0581; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Propulsion and Services Branch, ANE–173, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

On August 19, 2014, we issued Emergency AD 2014–17–51, which requires inspecting the inboard flap fasteners of the hinge-box forward fitting at WS 76.50 and WS 127.25 to determine the orientation and condition of the fasteners, as applicable, and replacement or repetitive inspections of the fasteners if necessary. Emergency AD 2014–17–51 also provides for optional terminating action for the requirements of the AD. This emergency AD was sent previously to all known U.S. owners and operators of these airplanes. This action was prompted by reports of fractured fastener heads on the inboard flap hinge-box forward fitting at Wing Station (WS) 76.50 due to incorrect installation. This condition, if not corrected, could result in premature failure of the fasteners attaching the inboard flap hinge-box forward fitting. Failure of the fasteners could lead to the detachment of the flap hinge box and the flap surface, and consequent loss of control of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Emergency Airworthiness Directive CF–2014–27, dated August 15, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition on certain Model CL–600–2B16 airplanes. The MCAI states:

> There have been three in-service reports on 604 Variant aeroplanes of a fractured fastener head on the inboard flap hinge-box forward fitting at Wing Station (WS) 76.50, found during a routine maintenance inspection. Investigation revealed that the installation of these fasteners on the inboard flap hinge-box forward fittings at WS 76.50 and WS 127.25, on both wings, does not conform to the engineering drawings. Incorrect installation may result in premature failure of the fasteners attaching the inboard flap hinge-box forward fitting. Failure of the fasteners could lead to the detachment of the flap hinge box and consequently the detachment of the flap surface. The loss of a flap surface could adversely affect the continued safe operation of the aeroplane.
>
> The original issue of AD CF–2013–39 [dated December 6, 2013] [which corresponds to FAA AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014)] mandated a detailed visual inspection (DVI) of each inboard flap hinge-box forward fitting, on both wings, and rectification as required. Incorrectly oriented fasteners require repetitive inspections until the terminating action is accomplished.
>
> After the issuance of AD CF–2013–39, there has been one reported incident on a 604 Variant aeroplane where four fasteners were found fractured on the same flap hinge-box forward fitting. The investigation determined that the fasteners were incorrectly installed.
>
> This [Canadian] AD is issued to reduce the initial and repetitive inspection intervals previously mandated in AD CF–2013–39, and to impose replacement of the incorrectly oriented fasteners within 24 months. The CL–600–1A11, –2A12 and –2B16 (601–3A/–3R Variant) aeroplanes are addressed through AD CF–2013–39R1 [dated August 15, 2014].

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0581.

Relevant Service Information

We reviewed the following service information:

- Bombardier Alert Service Bulletin A604–57–006, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013.
- Bombardier Alert Service Bulletin A604–57–006, Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013.
- Bombardier Alert Service Bulletin A605–57–004, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013.
- Bombardier Alert Service Bulletin A605–57–004, Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

Revision 02 of the service information instructs operators to contact Bombardier for repair procedures for certain configurations; paragraph (k)(2) of this AD addresses this issue.

FAA's Determination and AD Requirements

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the

MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Accomplishment of the requirements of this AD constitutes terminating action for the requirements of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), for the airplanes identified in paragraph (c) of this AD.

FAA AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), corresponds to Canadian AD CF–2013–39, dated December 6, 2013. FAA AD 2014–03–17 applies to Bombardier, Inc. Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. Because of the urgency of this unsafe condition for the CL–604 Variant airplanes, we have determined that it is necessary to issue an emergency AD, only for CL–604 Variant airplanes, to reduce the compliance times for the inspection required by AD 2014–03–17.

Explanation of Applicability

This AD applies to Bombardier, Inc. Model CL–600–2B16 airplanes with certain serial numbers. The CL–605 is a marketing designation for the Challenger CL–600–2B16, CL–604 Variant, with Modsums 604DX10000, 604DX20000, and 604DX30000 incorporated, beginning with serial numbers 5701 and subsequent. All CL–604 and CL–605 airplanes are type certified as CL–600–2B16 airplanes. Therefore this AD applies to all CL–600–2B16 models in the specified serial-number range.

Differences Between This AD and the MCAI/Service Information

Canadian Airworthiness Directive CF–2014–27, dated August 15, 2014, specifies to replace all forward and aft fasteners at WS 76.50 and 127.25 within 24 months, if any incorrectly installed fasteners are found. We are considering requiring this replacement, which would terminate the actions required by this AD. However, the planned compliance time for the replacement would allow enough time to provide notice and opportunity for prior public comment on the merits of the replacement.

Although the service information identified previously specifies that operators may contact the manufacturer for disposition of certain repair conditions, this AD requires operators to repair those conditions in accordance with a method approved by the FAA, or TCCA, or Bombardier, Inc.'s TCCA Design Approval Organization (DAO).

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because incorrect installation of the fasteners attaching the inboard flap hinge-box forward fitting may result in their premature failure, and possible detachment of the flap hinge box and the flap surface, and loss of control of the airplane. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2014–0581 and Directorate Identifier 2014–NM–167–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

We estimate that this AD affects 285 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$24,225

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Fastener replacement	Up to 58 work-hours × $85 per hour = $4,930	$0	$4,930

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

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII,

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–17–51 Bombardier, Inc.: Amendment 39–17999; Docket No. FAA–2014–0581; Directorate Identifier 2014–NM–167–AD.

(a) Effective Date

This AD is effective November 12, 2014 to all persons except those persons to whom it was made immediately effective by Emergency AD 2014–17–51, issued on August 19, 2014, which contained the requirements of this amendment.

(b) Affected ADs

The requirements of this AD terminate the requirements of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), only for the airplanes identified in paragraph (c) of this AD.

(c) Applicability

This AD applies to Bombardier, Inc. Model CL–600–2B16 airplanes, certificated in any category, serial numbers 5301 through 5665 inclusive, and 5701 through 5920 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of fractured fastener heads on the inboard flap hinge-box forward fitting at Wing Station (WS) 76.50 due to incorrect installation. We are issuing this AD to detect and correct incorrectly oriented or fractured fasteners, which could result in premature failure of the fasteners attaching the inboard flap hinge-box forward fitting. Failure of the fasteners could lead to the detachment of the flap hinge box and the flap surface, and consequent loss of control of the airplane.

(f) Compliance

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

(g) Inspection: Airplanes Not Previously Inspected

For airplanes on which the actions required by AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), have not been done as of the effective date of this AD: Within 10 flight cycles after the effective date of this AD, or within 100 flight cycles after March 6, 2014 (the effective date of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014)), whichever occurs first: Do a detailed visual inspection of each inboard flap fastener of the hinge-box forward fitting at WS 76.50 and WS 127.25, on both wings, to determine if the fasteners are correctly oriented and intact (non-fractured, with intact fastener head). Do the inspection in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A604–57–006, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5301 through 5665 inclusive); or Bombardier Alert Service Bulletin A605–57–004, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5701 through 5920 inclusive).

(1) If all fasteners are found intact and correctly oriented, no further action is required by this AD.

(2) If any fastener is found fractured: Before further flight, remove and replace all forward and aft fasteners at WS 76.50 and WS 127.25, regardless of condition or orientation, on both wings, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A604–57–006, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5301 through 5665 inclusive); or Bombardier Alert Service Bulletin A605–57–004, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5701 through 5920 inclusive). After replacement of all fasteners as required by paragraph (g)(2) of this AD, no further action is required by this AD.

(3) If any incorrectly oriented but intact fastener is found, and no fractured fastener is found, repeat the inspection required by paragraph (g) of this AD thereafter at intervals not to exceed 10 flight cycles, until the requirements of paragraph (i)(1) of this AD have been done.

(h) Airplanes Previously Inspected, With Incorrectly Oriented Fastener(s)

For airplanes on which an inspection required by paragraph (g) or (j) of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), has been done as of the effective date of this AD, and on which any incorrectly oriented fastener, but no fractured fastener, was found: Except as provided by paragraph (i)(3) of this AD, do a detailed visual inspection of all inboard flap fasteners of the hinge-box forward fitting at WS 76.50 and WS 127.25, on both wings, to determine if the fasteners are intact (non-fractured, with intact fastener head). Inspect within 10 flight cycles after the effective date of this AD, or within 100 flight cycles after the most recent inspection done as required by AD 2014–03–17, whichever occurs first. Inspect in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A604–57–006, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5301 through 5665 inclusive); or Bombardier Alert Service Bulletin A605–57–004, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5701 through 5920 inclusive).

(1) If all fasteners are found intact, repeat the inspection thereafter at intervals not to exceed 10 flight cycles, until the requirements of paragraph (i)(1) of this AD have been done.

(2) If any fastener is found fractured: Before further flight, remove and replace all forward and aft fasteners at WS 76.50 and WS 127.25, regardless of condition or orientation, on both wings, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A604–57–006,

Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5301 through 5665 inclusive); or Bombardier Alert Service Bulletin A605–57–004, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5701 through 5920 inclusive). After replacement of all fasteners as required by paragraph (h)(2) of this AD, no further action is required by this AD.

(i) Terminating Action

(1) Replacement of all forward and aft fasteners at WS 76.50 and WS 127.25, on both wings, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A604–57–006, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5301 through 5665 inclusive); or Bombardier Alert Service Bulletin A605–57–004, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013, or Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013 (for serial numbers 5701 through 5920 inclusive); terminates the requirements of this AD.

(2) Accomplishment of the applicable requirements of this AD constitutes terminating action for the requirements of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), for that airplane only.

(3) Replacement, before the effective date of this AD, of all fractured and incorrectly oriented fasteners, as provided by paragraph (i) or (k) of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), is acceptable for compliance with the requirements of this AD.

(j) Special Flight Permit

Special flight permits to operate the airplane to a location where the airplane can be repaired in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) are not allowed.

(k) Other FAA Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office, ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York Aircraft Certification Office, ANE–170, FAA; or the TCCA; or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Emergency Airworthiness Directive CF–2014–27, dated August 15, 2014, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0581.

(m) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on November 12, 2014.

(i) Bombardier Alert Service Bulletin A604–57–006, Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013.

(ii) Bombardier Alert Service Bulletin A605–57–004, Revision 02, dated January 22, 2014, including Appendices 1 and 2, dated September 26, 2013.

(4) The following service information was approved for IBR on March 6, 2014 (79 FR 9389, February 19, 2014).

(i) Bombardier Alert Service Bulletin A604–57–006, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013.

(ii) Bombardier Alert Service Bulletin A605–57–004, Revision 01, dated September 26, 2013, including Appendices 1 and 2, dated September 26, 2013.

(5) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

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

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

Issued in Renton, Washington, on October 13, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25018 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0548; Directorate Identifier 2013–NM–008–AD; Amendment 39–18002; AD 2014–21–08]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model BD–700–1A11 airplanes. This AD was prompted by a report that certain lanyards for the passenger oxygen masks are longer than the specified length, possibly leading to inactive oxygen masks in an emergency. This AD requires replacement of certain oxygen mask lanyards. We are issuing this AD to detect and correct lanyards of incorrect length, which might not activate the flow of oxygen in an emergency, resulting in injury to passengers.

DATES: This AD becomes effective December 2, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 2, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0548* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW.,

Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model BD–700–1A11 airplanes. The SNPRM published in the **Federal Register** on July 23, 2014 (79 FR 42708). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on July 18, 2013 (78 FR 42893).

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2012–31R1, dated September 17, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Bombardier, Inc. Model BD–700–1A11 airplanes. The MCAI states:

> The aeroplane manufacturer has determined that the Oxygen Dispensing Unit (ODU) lanyards, in several locations throughout the aeroplane cabin, are excessively long. In an emergency situation where oxygen is required, it is possible that certain occupants may put their oxygen mask on without automatically activating the oxygen flow which could result in a fatal injury.
>
> The original issue of this [Canadian] AD mandated the replacement of the existing ODU lanyards with lanyards of the correct length.
>
> After the issuance of the original [Canadian] AD, the aeroplane manufacturer discovered that operators had not replaced all of the affected ODU lanyards due to misinterpretation of the accomplishment instructions of the Basic Issue of SB 700–1A11–35–009. Revision 1 of this [Canadian] AD is issued to mandate the incorporation of the revised SB with clarified accomplishment instructions.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0548-0004*.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the SNPRM (79 FR 42708, July 23, 2014) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the SNPRM (79 FR 42708, July 23, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM (79 FR 42708, July 23, 2014).

Costs of Compliance

We estimate that this AD affects 22 airplanes of U.S. registry.

We also estimate that it will take about 16 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $29,920, or $1,360 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0548;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–21–08 Bombardier, Inc.: Amendment 39–18002. Docket No. FAA–2013–0548; Directorate Identifier 2013–NM–008–AD.

(a) Effective Date

This AD becomes effective December 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model BD–700–1A11 airplanes, certificated in any category, modified by FAA Supplemental Type Certificate (STC) ST02140NY, issued October 14, 2005 (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/6B8CF26D01F5E6DE862570C7006DCD7E?OpenDocument&Highlight=*

st02140ny); and to airplanes, certificated in any category, modified by FAA STC ST02033NY, issued December 2, 2004 (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/99FF781E0BD20AD886256FA300558250?OpenDocument&Highlight=02033*).

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by a report that certain lanyards for the passenger oxygen masks are longer than the specified length, possibly leading to inactive oxygen masks in an emergency. We are issuing this AD to detect and correct lanyards of incorrect length, which might not activate the flow of oxygen in an emergency, resulting in injury to passengers.

(f) Compliance

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

(g) Replacement

Within 750 flight hours or 15 months after the effective date of this AD, whichever occurs first: Replace lanyards having part numbers (P/N) B431564–503 and –505 for all passenger oxygen dispensing units, with lanyards having P/N B431564–507, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 700–1A11–35–009, Revision 02, dated May 28, 2013.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, Engine and Propeller Directorate, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2012–31R1, dated September 17, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0548-0004.*

(j) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 700–1A11–35–009, Revision 02, dated May 28, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

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

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

Issued in Renton, Washington, on October 13, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25101 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0140; Directorate Identifier 2013–NM–176–AD; Amendment 39–18004; AD 2014–21–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes. This AD was prompted by a report of contact between certain electrical harnesses and the hatrack rod that could cause chafing between the harnesses and surrounding structure. This AD requires modifying the routing of certain electrical harnesses. We are issuing this AD to prevent chafing and possible short circuit of two oxygen chemical generator containers in different wiring routes, which could result in malfunction of the electrical opening of all the containers connected to these routes. Such conditions, during a sudden depressurization event, could result in lack of oxygen and consequent injuries to airplane occupants.

DATES: This AD becomes effective December 2, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of December 2, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0140;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes. The NPRM published in the **Federal Register** on March 12, 2014 (79 FR 13929). The NPRM was prompted by

a report of contact between certain electrical harnesses and the hatrack rod that could cause chafing between the harnesses and surrounding structure. The NPRM proposed to require modifying the routing of certain electrical harnesses. We are issuing this AD to prevent chafing and possible short circuit of two oxygen chemical generator containers in different wiring routes, which could result in malfunction of the electrical opening of all the containers connected to these routes. Such conditions, during a sudden depressurization event, could result in lack of oxygen and consequent injuries to airplane occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0196, dated August 28, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

> On the production line, electrical harnesses 1523VB and 1524VB have been found in contact with hatrack rod at Frame (FR) 53.7 between stringers (STR) 14 and 15. It was concluded that there is a risk of chaffing between these harnesses and the surrounding structure, which could lead to a short circuit on two oxygen chemical generator containers in different wiring routes. Consequently, the electrical opening of all the containers connected to these routes would not be possible, resulting in a malfunction of up to two thirds of the affected containers.
>
> This condition, if not corrected, could lead, in case of a sudden depressurization event, to lack of oxygen supply, possibly resulting in injuries to aeroplane occupants.
>
> To address this potential unsafe condition, Airbus developed two modifications of the routing of the affected harnesses.
>
> For the reasons described above, this [EASA] AD requires modification of the routing of harnesses 1523VB and 1524VB.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0140-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 13929, March 12, 2014) or on the determination of the cost to the public.

"Contacting the Manufacturer" Paragraph in This AD

Since late 2006, we have included a standard paragraph titled "Airworthy Product" in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In the NPRM (79 FR 11016, February 27, 2014), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to this FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, for certain new requirements, we proposed to change the phrase "its delegated agent" to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

No comments were provided to the NPRM (79 FR 11016, February 27, 2014) about these proposed changes. However, a comment was provided for an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013). The commenter stated the following: "The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin."

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it "Contacting the Manufacturer." This paragraph now clarifies that for any requirement in this AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, the European Aviation Safety Agency (EASA), or Airbus's EASA Design Organization Approval (DOA).

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DOA, the approval must include the DOA-authorized signature. The DOA signature indicates that the data and information contained in the document are EASA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DOA-authorized signature approval are not EASA-approved, unless EASA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are "Required for Compliance" with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

Other commenters to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) pointed out that in many cases the foreign manufacturer's service bulletin and the foreign authority's MCAI might have been issued some time before the FAA AD. Therefore, the DOA might have provided U.S. operators with an approved repair, developed with full awareness of the unsafe condition, before the FAA AD is issued. Under these circumstances, to comply with the FAA AD, the operator would be required to go back to the manufacturer's DOA and obtain a new

approval document, adding time and expense to the compliance process with no safety benefit.

Based on these comments, we removed the requirement that the DAH-provided repair specifically refer to this AD. Before adopting such a requirement, the FAA will coordinate with affected DAHs and verify they are prepared to implement means to ensure that their repair approvals consider the unsafe condition addressed in this AD. Any such requirements will be adopted through the normal AD rulemaking process, including notice-and-comment procedures, when appropriate.

We also have decided not to include a generic reference to either the "delegated agent" or "DAH with State of Design Authority design organization approval," but instead we have provided the specific delegation approval granted by EASA for the DAH.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 13929, March 12, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 13929, March 12, 2014).

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

Costs of Compliance

We estimate that this AD affects 51 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	6 work-hours × $85 per hour = $510	Up to $1,057	Up to $1,567	Up to $79,917.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0140;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–21–10 Airbus: Amendment 39–18004. Docket No. FAA–2014–0140; Directorate Identifier 2013–NM–176–AD.

(a) Effective Date

This AD becomes effective December 2, 2014.

(b) Affected ADs

None.

(c) Applicability

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

(1) Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and -343 airplanes, all manufacturer serial numbers, on which Airbus Modification 48825 has been embodied in production; except for airplanes on which Airbus Modification 52485, 40161, or 201669 has been embodied.

(2) Model A340–211, –212, –213, –311, –312, and –313 airplanes, all manufacturer serial numbers, on which Airbus Modification 48825D42865 has been embodied in production; except for airplanes on which Airbus Modification 55606 or 40161 has been embodied.

(d) Subject

Air Transport Association (ATA) of America Code 92, Wiring Elements.

(e) Reason

This AD was prompted by a report of contact between certain electrical harnesses and the hatrack rod that could cause chafing between the harnesses and surrounding structure. We are issuing this AD to prevent chafing and possible short circuit of two oxygen chemical generator containers in different wiring routes, which could result in malfunction of the electrical opening of all the containers connected to these routes. Such conditions, during a sudden depressurization event, could result in lack of oxygen and consequent injuries to airplane occupants.

(f) Compliance

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

(g) Modification

Within 24 months after the effective date of this AD: Modify the routing of electrical harnesses 1523VB on the left-hand side and 1524VB on the right-hand side, at the level of the door 3 area between frames 53.6 and 53.8, and between stringers 14 and 15, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–92–3098 or A340–92–4084, both dated January 11, 2013, as applicable.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) 2013–0196, dated August 28, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0140-0002*.

(j) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A330–92–3098, dated January 11, 2013.

(ii) Airbus Service Bulletin A340–92–4084, dated January 11, 2013.

(3) For service information identified in this AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com*; Internet *http://www.airbus.com*.

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

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

Issued in Renton, Washington, on October 15, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25413 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Parts 300, 600, and 665

[Docket No. 130708597–4380–01]

RIN 0648–BD46

Western Pacific Pelagic Fisheries; U.S. Territorial Catch and Fishing Effort Limits

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

ACTION: Final rule; final specifications; effectiveness of collection-of-information requirements.

SUMMARY: This final rule implements a management framework for specifying catch and effort limits and accountability measures for pelagic fisheries in the U.S. Pacific territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI). Using the established framework, NMFS is also specifying a catch limit of 2,000 metric tons (mt) of longline-caught bigeye tuna for each territory for 2014. A territory may allocate up to 1,000 mt of that limit to eligible U.S. longline fishing vessels. This final rule also makes several technical administrative changes to the regulations and announces the effectiveness of collection-of-information requirements. This action is consistent with international objectives of ending overfishing of bigeye tuna, while allowing for the limited transfer of available catch limits between U.S participating territories and eligible U.S. fisheries, consistent with the conservation requirements of the bigeye tuna stock.

DATES: This final rule and final specifications are effective October 24, 2014.

The deadline to submit a specified fishing agreement for review pursuant to § 665.819(b)(3) is November 28, 2014.

ADDRESSES: You may review the background and details of this action in Amendment 7 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific. You may obtain a copy of Amendment 7 and supporting documents, identified by NOAA–NMFS–2012–0178, from the Federal e-Rulemaking Portal, *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0178*, or from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, *www.wpcouncil.org*.

You may submit written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818, and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIR Sustainable Fisheries Division, 808–725–5176.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the pelagic fisheries of American Samoa, Guam, the CNMI, and Hawaii under the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP). The Council

recommends conservation and management measures for NMFS to implement under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Certain pelagic fish stocks, including tunas, are also subject to conservation and management measures cooperatively agreed to by the Western and Central Pacific Fisheries Commission (WCPFC), an international regional fisheries management organization of which the United States is a member. The WCPFC has jurisdiction over fisheries harvesting highly migratory species on the high seas in the western and central Pacific Ocean, including pelagic fish stocks managed under the FEP. Pursuant to WCPFC Conservation and Management Measure (CMM) 2012–01, NMFS implemented the 2014 longline catch limit for bigeye tuna of 3,763 mt for U.S. vessels in the western and central Pacific (78 FR 58240, September 23, 2013). The limit does not apply to vessels in the longline fisheries of the U.S. participating territories to the WCPFC, that is, American Samoa, Guam, or the CNMI.

Section 113 of the Consolidated and Further Continuing Appropriations Act of 2012, as amended, (Section 113) directed the Council to amend the FEP to authorize U.S. participating territories to use, assign, allocate, and manage their catch and effort limits for highly migratory fish stocks through agreements with U.S. vessels permitted under the FEP. Consistent with Section 113, which has now lapsed, the Council transmitted Amendment 7 on December 23, 2013. The Secretary of Commerce approved Amendment 7 on March 28, 2014. This final rule and associated final specifications implement conservation and management measures described in Amendment 7. This final rule is consistent with the WCPFC CMM 2013–01 objectives of ending overfishing of bigeye tuna, while allowing for the limited transfer of available quota between U.S. participating territories and eligible U.S. fisheries. Although individual catch limits do not apply to the U.S. participating territories under CMM 2013–01, NMFS is implementing longline catch limits for bigeye tuna for the territories to ensure sustainable management, and to limit the overall mortality of bigeye tuna in the region. This rule establishes accountability measures for attributing and restricting catch and fishing effort towards territorial limits, including catches and fishing effort under the territory agreements. Annual review and action by the Council and NMFS will ensure that any transfer of quota is consistent with the conservation requirements of the stock.

Final Rule

This rule implements the following:

- A framework consistent with WCPFC conservation and management measures for specifying catch or fishing effort limits and accountability measures for pelagic fisheries in the U.S. participating territories;
- Authorization for territories to enter into specified fishing agreements with U.S. fishing vessels permitted under the FEP, and to allocate to those vessels a specified portion of the territory's catch or fishing effort limit, as determined by NMFS and the Council;
- Criteria that any specified fishing agreements must satisfy, and the procedures for reviewing such agreements; and
- Accountability measures for attributing and restricting catch and fishing effort toward specified limits, including catches and fishing effort made by vessels in the agreements.

Under the framework process, the Council will review existing and proposed catch or effort limits and the portion available for allocation at least annually to ensure consistency with WCPFC decisions, the FEP, the Magnuson-Stevens Act, and other applicable laws. Based on this review, at least annually, the Council will recommend to NMFS whether such catch or effort limit or the portion available for allocation should be approved for the next fishing year. NMFS will review all Council recommendations and, if determined to be consistent with WCPFC decisions, the FEP, the Magnuson-Stevens Act, and other applicable laws, will approve the Council's recommendations. If NMFS determines that a Council recommendation is inconsistent with WCPFC decisions, the FEP, the Magnuson-Stevens Act, or other applicable laws, NMFS will disapprove the recommendation. If NMFS disapproves a catch or fishing effort limit specification or allocation limit, or if the Council recommends and NMFS approves no catch or fishing effort limit specification or allocation limit, then no specified fishing agreements would be authorized for the fishing year covered by such action.

2014 Bigeye Tuna Catch Limit

NMFS is using the framework process to specify a longline bigeye tuna catch limit of 2,000 mt for each U.S. participating territory. Additionally, NMFS specifies that each territory may allocate up to 1,000 mt of that limit to U.S. longline fishing vessels based in other U.S. participating territories or in Hawaii, and identified in a specified fishing agreement. NMFS will monitor catches of longline-caught bigeye tuna, including catches made under specified fishing agreements, and restrict catches, as appropriate, using the accountability measures described in this final rule. The longline bigeye tuna catch limit specifications are effective for the 2014 fishing year, which began on January 1, 2014.

The deadline to submit a specified fishing agreement for review pursuant to § 665.819(b)(3) is November 28, 2014.

Additional background information on this final rule and the final bigeye tuna catch specification is contained in the preamble to the proposed rule and proposed specifications (79 FR 1354, January 8, 2014), and is not repeated here.

Comments and Responses

On January 8, 2014, NMFS published a proposed rule and proposed specifications, and request for public comments (79 FR 1354); the comment period ended February 24, 2014. NMFS received comments from individuals, government agencies, and non-governmental organizations, and responds as follows:

Comment 1: Several commenters support NMFS assistance to U.S. Pacific island territories.

Response: Comment noted; this final rule requires that any fishing agreements between the U.S. participating territories and U.S. vessels include support for fisheries development projects in the territories and as described in their marine conservation plans.

Comment 2: The Hawaii-based longline fleet is already subject to a bigeye tuna catch limit, and this proposed action would allow the fleet to catch up to an additional 3,000 mt of bigeye tuna. There needs to be a reduction in bigeye tuna fishing pressure to regain sustainable levels, so the territories should not be allowed to allocate up to 1,000 mt of their 2,000-mt bigeye tuna catch limit to the Hawaii fleet.

Response: Section 113, as amended, directed the Council to prepare and transmit an amendment and regulations implementing a process for transferring U.S. territory quota for highly migratory species to eligible U.S. fishing vessels. This final rule implements this process consistent with the requirements of the Magnuson-Stevens Act. This action is consistent with WCPFC CMM 2013–01, and other applicable laws, including the

National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), and the NMFS final rule published September 23, 2013 (78 FR 58240), which maintains the U.S. limit for longline-caught bigeye tuna in the western and central Pacific Ocean (WCPO) at 3,763 mt in 2014.

The management framework provides for the domestic implementation of catch or fishing effort limits for the longline fisheries in the U.S. territories, while allowing for the limited transfer of quota to U.S. fisheries, consistent with the conservation and management needs of the stock. One of the objectives of CMM 2013–01 is to reduce fishing mortality on bigeye tuna and eliminate overfishing. This rulemaking includes accountability measures to ensure consistency with this international objective, as well as with the Magnuson-Stevens Act requirement to prevent overfishing.

This final rule establishes a framework that allows each territory to allocate a portion of its catch or fishing effort limit to U.S. fishing vessels with a valid Federal permit issued under the FEP through a specified fishing agreement. The amount available for allocation under agreements is subject to annual review to ensure consistency with WCPFC decisions, the FEP, the Magnuson-Stevens Act, and other applicable laws. If the Council does not recommend a specification, or recommends an amount that, in light of the best scientific information available, is inconsistent with the conservation and management needs of the stock or decisions of the WCPFC, then NMFS will not approve specified fishing agreements for that year.

Under this framework process, NMFS is also specifying an annual limit of 2,000 mt of bigeye tuna caught with longline fishing gear in the WCPO for each territory. CMM 2013–01 does not establish an individual limit on the amount of bigeye tuna that may be harvested annually in the WCPFC Convention Area by Small Island Developing States (SIDS) and participating territories (PTs) of the WCPFC, including American Samoa, Guam, and the CNMI. Although Paragraph 41 of CMM 2013–01 limits members that harvested less than 2,000 mt of bigeye tuna in 2004 to no more than 2,000 mt for each of the years 2014 through 2017, SIDS and PTs are not subject to the 2,000-mt limit. As part of this action to allow for the limited transfer of quota from the U.S. territories to U.S. pelagic longline fisheries, NMFS is establishing 2,000-mt limits for each U.S. territory. These overall limits, in conjunction with the 1,000-mt limit that each territory may allocate, will help ensure sustainability of the stock.

In 2011 and 2012, under Section 113, American Samoa and the Hawaii Longline Association (HLA) entered into an agreement to attribute longline catch to American Samoa in exchange for funds deposited in the Sustainable Fisheries Fund to support fishery development projects in the territories. NMFS attributed 628 mt of bigeye tuna caught by HLA vessels under the agreement in 2011 to American Samoa. In 2012, NMFS attributed 771 mt of bigeye tuna to American Samoa. In 2013, the CNMI and HLA entered into a Section 113 agreement. In that year, NMFS attributed to the CNMI 501 mt of bigeye tuna caught by HLA vessels. Based on this history, and the requirement in this rule that no vessel operate under more than one specified fishing agreement at a given time, NMFS anticipates that no more than 1,000 mt of bigeye tuna would be transferred annually under specified territory fishing agreements. NMFS does not expect any significant change in fishing effort than had occurred under baseline conditions in 2011, 2012, and 2013. Finally, as explained above and in Amendment 7, the rule does not impede the WCPFC objective of ending overfishing of bigeye tuna.

See also the response to Comment 5.

Comment 3: The proposed rule would have negative effects beyond just the target species, especially for threatened marine animals such as sharks, sea turtles, and billfish, and would increase shark bycatch each year.

Response: NMFS anticipates that fishing effort by the Hawaii deep-set longline fishery, a limited entry fishery with a relatively fixed number of active permits, will remain similar to baseline fishing years under Section 113 (2011, 2012, and 2013). Impacts to protected species are expected to remain within the range analyzed in the 2013 environmental assessment (EA). Moreover, in a Biological Opinion dated September 19, 2014, NMFS concluded that the continued operation of the Hawaii deep-set longline fishery under effort levels expected under the proposed action is not likely to jeopardize the continued existence of ESA-listed humpback whales, sperm whales, the MHI insular false killer whale distinct population segment (DPS), North Pacific loggerhead DPS, leatherback sea turtles, olive ridley sea turtles, green sea turtles, and the Indo-west Pacific scalloped hammerhead DPS. NMFS based this conclusion on a careful assessment of the effects of the action, together with the environmental baseline and the cumulative effects.

Amendment 7, which this final rule implements, presents information and impacts to target and non-target species. Catches of non-target species under this rule are commensurate with the level of fishing effort for bigeye tuna. With respect to Western and Central North Pacific (WCNP) striped marlin, NMFS does not anticipate this action to result in catches that exceed the U.S. limit for WCPO striped marlin under CMM 2010–01. Each cooperating member, non-member, and participating territory of the WCPFC is subject to a 20-percent reduction of the highest catch of North Pacific striped marlin between 2000 and 2003. The measure provides that each flag/chartering member, cooperating non-member, and participating territory (CCM) shall decide on the management measures required to ensure that its flagged/chartered vessels operate under the specified catch limits. CMM 2010–01 provides exemptions to catch limits for the SIDS and PTs. The WCPO striped marlin limit applicable to the U.S. (i.e., Hawaii) fisheries in 2013 and beyond is 457 mt annually, which accounts for the 20 percent reduction agreed to in CMM 2010–01. U.S. catch has been below levels agreed to by the WCPFC. Table 12 in Amendment 7 describes recent catches of North Pacific striped marlin by U.S. longline vessels, including catches attributed under fishing agreements. Historical average landings from 2008–2012 are only 60 percent of the U.S. limit under CMM 2010–01 for 2013 and beyond. Although a non-target species caught while targeting bigeye tuna and swordfish, striped marlin are highly marketable and longline fishermen typically discard less than five percent.

NMFS has no information that impacts on sharks will increase under the proposed action. With the exception of mako and thresher sharks that are sometimes retained for market in low quantities, U.S. longline fishermen based in the Pacific Islands release most sharks alive.

See also the response to Comment 5. Under this action, NMFS expects fishing effort, expected catch rates, and total catches for target and non-target species to remain within the range observed in 2011, 2012, and 2013 under Section 113.

Comment 4: This proposed rule would allow the U.S.A. to increase its catch of bigeye tuna, a species already experiencing overfishing, by 80 percent and ignore its internationally-established quota agreed to during the most recent meeting of the WCPFC. The proposed rule ignores scientific advice

calling for a 39-percent reduction in bigeye tuna fishing mortality from 2004 levels to end overfishing and threatens the future of the fishery by allowing the U.S. Hawaii based longline fleet to catch up to an additional 3,000 mt of bigeye tuna allocated to American Samoa, Guam, and the CNMI. This catch would be in addition to the 3,763 mt of U.S quota just agreed upon at the WCPFC meeting in December 2013, raising the U.S. allowable catch by 80 percent for a species in dire need of catch reductions. Furthermore, because longline fishing for bigeye tuna by U.S. Pacific territories has historically remained well below 1,000 mt per year, the proposed rule would result in a net increase in fishing effort within the WCPFC area rather than a mere transfer of effort from one CCM to another.

Response: NMFS has already implemented the 3,763 mt catch limit for longline-caught bigeye tuna for the United States for 2014 (see 50 CFR 300.224), and will implement the U.S. catch limits specified in CMM 2013–01 for subsequent years in one or more separate rulemakings, as appropriate. This final rule allows for the limited transfer of available quota from territories to eligible U.S. longline fishermen, for example, after the U.S. WCPO limit for bigeye tuna has been reached, while applying precautionary measures to ensure that international objectives to end overfishing are not undermined.

This final rule is not likely to result in an additional 3,000 mt bigeye mortality by U.S. fishing vessels because it includes accountability measures that prohibit any vessel from operating under more than one specified fishing agreement at a time. In addition, no U.S. territory may assign more than 1,000 mt of bigeye tuna to U.S. vessels operating under specified fishing agreements in 2014. Consistent with landings in 2011, 2012, and 2013, NMFS anticipates that bigeye catch under specified fishing agreements will be less than 1,000 mt.

See also the response to Comments 2 and 5.

Comment 5: The proposal to create a framework to allow the transfer of catch or fishing effort from U.S. Pacific territories to the U.S. Hawaii-based longline fleet would allow for the continued overfishing of bigeye tuna in the WCPO, run counter to scientific advice that has been consistently presented for over a decade, and cause the U.S.A. to undermine WCPFC conservation objectives.

Response: This final rule and 2014 specification provides for a 1,000-mt transferable limit for each territory under a specified fishing agreement with U.S. vessels. Although this rule allows for such transfers, accountability measures do not allow fishermen to operate under more than one territorial agreement at a time. Accordingly, NMFS anticipates that actual catches will be similar to fishing operations under Section 113 from 2011 through 2013, and result in no more than 1,000 mt of bigeye tuna catch annually under territory agreements. The management framework provides that the Council will review and recommend, and NMFS will specify, territory catch or fishing effort and transferable limits on an annual basis, regardless of whether it proposes a single or multi-year specification. Accordingly, a multi-year specification that fails to prevent overfishing consistent with WCPFC conservation and management measures will be subject to disapproval. In the event of disapproval of the specification, no fishing agreements will be approved for the fishing year.

In 2011, 2012, and 2013, when there were no limits on the amount of bigeye transferred under Section 113 agreements, 628 mt, 771 mt, and 501 mt, respectively, of bigeye tuna were transferred to a U.S. territory. Based on historical operations under Section 113, NMFS anticipates that up to 1,000 mt of bigeye tuna could be assigned under the territory agreement(s) in any one year. As documented in the EA, catches by Hawaii and territory longline fisheries, when combined with U.S. WCPO longline limit for bigeye tuna of 3,763 mt per year (which will be reduced in 2015 and again in 2017) would not impede the CMM 2013–01 objective of ending overfishing on bigeye tuna.

See also the response to Comments 2, 3, and 12.

Comment 6: Increased fishing effort associated with the increase in catch of bigeye tuna will impact yellowfin and albacore tunas and oceanic white-tip and silky sharks that are species of concern within the WCPFC Convention Area and violate CMMs 2013–01, 2005–03, 2011–04, and 2013–08. NMFS and the Council should focus on leading conservation efforts, not circumventing the catch limits the WCPFC has put in place. To sustain the bigeye tuna fishery, it is imperative that U.S. actions promote and support the control of fishing mortality based on best available science and implementation of sustainable measures.

Response: Section 113 directed the Council to prepare an amendment and regulations that establish a process for transferring quota for highly migratory species from U.S. participating territories to eligible U.S. longline fishing vessels. This final rule implements a framework process for authorizing the limited transfer of highly migratory species quota, consistent with the Magnuson-Stevens Act and WCPFC decisions. This final rule is consistent with CMM 2013–01 for longline-caught yellowfin tuna and the fishing effort limits for albacore under CMM 2005–02. CMM 2013–01 provides that CCMs should not increase catches of yellowfin tuna by their longline vessels. This final rule does not increase harvest pressure on yellowfin tuna, but merely provides a mechanism for continuing baseline effort levels from 2011 to 2013. Regarding the CMM for North Pacific albacore, vessels in the Hawaii deep-set longline fishery do not fish for albacore north of the equator, so that fishery is not subject to the fishing effort limit. This final rule does not undermine the WCPFC's measures for silky sharks or oceanic whitetip sharks under CMMs 2013–08 and 2011–04, respectively. These measures, which currently are published as proposed regulations, require that fishermen release these sharks with as little harm as possible; the measures do not require limits on fishing effort in any fishery.

NMFS must give priority to the conservation needs of the stock and will allow the transfer of quota only to the extent that it is consistent with Magnuson-Stevens Act and international objectives to end overfishing on bigeye tuna. As explained in Amendment 7 and supported by existing data and model projections, the expected transfer of 1,000 mt in 2014 would not delay or impede WCPFC objectives of ending overfishing of bigeye tuna.

Comment 7: To secure the future of bigeye tuna populations, the WCPFC placed a specific limit on the U.S. longline catch of 3,763 mt for 2014, and decreased this amount slightly for 2015 and 2016. The proposed rule creates a loophole to this limit, which undoes the modest reductions the commission requires of U.S. longline vessels.

Response: This final rule includes safeguards to ensure that any transfer of quota does not impede WCPFC conservation and management decisions, including measures to end overfishing of bigeye tuna.

See also the response to Comments 2 and 5.

Comment 8: NMFS should include the forecast of our changing climate in all of its policies. The impact of global warming will greatly impact animals worldwide. There are already signs of failing species as their food supplies disappear.

Response: NMFS and the Council addressed climate change, as well as

other cumulative effects, and their impact upon pelagic fisheries in Amendment 7 and associated EA. Climate change impacts on marine ecosystem processes are not well understood. It is particularly challenging to accurately predict climate change effects associated with actions, such as here, that are of a short-term nature.

Comment 9: We must take action now before overfishing significantly reduces the bigeye tuna populations, jeopardizing commercial fisheries and the marine environment.

Response: The United States, through the Departments of State and Commerce, continues to work cooperatively with regional organizations like the WCPFC to address the conservation needs of bigeye and other highly migratory stocks. NMFS remains committed to achieving the necessary reductions in bigeye mortality that will end overfishing. This rule establishes a framework that would provide U.S. fisheries with limited access to quota that otherwise is available to the U.S. participating territories, consistent with conservation and management objectives of the WCPFC and Magnuson-Stevens Act. Amendment 7 analyzed impacts of the action on fisheries, fishery participants, and the marine environment consistent with international conservation and management measures, the Magnuson-Stevens Act, and other applicable laws. The effects of the action on these resource components did not result in the identification of any significant impacts.

See also the response to Comment 2.

Comment 10: The proposed action appears to specify catch limits for longline-caught bigeye tuna of 2,000 mt per year for each territory, of which 1,000 mt may be transferred annually under agreements consistent with the FEP and other applicable laws to eligible U.S. vessels.

Response: These final specifications apply only in 2014. The management framework implemented by this rule requires the Council to review any proposed and existing catch or fishing effort limits and allocation limits at least annually to ensure consistency with the FEP, Magnuson-Stevens Act, WCPFC decisions, and other applicable laws. The Council will then recommend the amount of catch or effort limit and/or allocation limit, if any, for the next fishing year. NMFS reviews the recommended limits for consistency with all applicable laws and WCPFC CMMs and, if consistent, NMFS will approve the recommendation. If NMFS disapproves the recommendation, or if the Council recommends no allocation limit, then no specified fishing agreements will be approved for that fishing year. This process did not change from the proposed rule.

Comment 11: The statutory authority for territories to use, assign, allocate, and manage catch limits of highly migratory fish stocks in the way proposed (under Section 113) expired on December 31, 2013. There is, accordingly, neither congressional direction nor statutory authority to implement the proposed rule.

Response: The Council transmitted Amendment 7 on December 23, 2013, consistent with Section 113 (as amended by Section 110 of the Department of Commerce Appropriations Act), and the Magnuson-Stevens Act. NMFS published the Notice of Availability for Amendment 7 on December 30, 2013. Although Section 113 (now lapsed) required the Council to take specific action to develop and transmit an amendment and regulations to implement this framework, Section 113 did not convey substantive authority that did not already exist under the Magnuson-Stevens Act, WCPFC Implementation Act, and other applicable laws. The Council and NMFS have authority under the Magnuson-Stevens Act, in response to a Congressional directive, to develop measures that establish a territory's limited transferable interest in fishery resources, where necessary and appropriate for the conservation and management of the fishery.

Comment 12: Despite acknowledging that measures must satisfy the conservation and management objectives of the Magnuson-Stevens Act in order to ensure the continued sustainability of the target stocks, the proposed management framework fails to include goals of ending overfishing and rebuilding stocks when setting catch limits. The proposed action fails to address the ecosystem consequences of bycatch of fish, sharks, turtles, and marine mammals in the Hawaii longline fisheries in violation of the Magnuson-Stevens Act. The framework in the Council's preferred alternative would allow establishment of catch limits even in the absence of WCPFC limits on SIDS and PTs, but the criteria for how the Council will establish those limits are significantly more permissive than allowed by the Magnuson-Stevens Act. Rather than following the National Standards in section 301, the Council would set catch limits after considering the status of highly migratory species stocks, the needs of fishing communities dependent upon the particular fishery resource, and any other relevant conservation and management factors. Because those limits are set under the Magnuson-Stevens Act and its implementing regulations, they should be based on best available science, specifically the status of the stock, and designed to result in a high probability of ending overfishing in as short a period as possible and/or designed to rebuild stocks in as short a period as possible.

Response: The proposed action is consistent with the Magnuson-Stevens Act, which includes the National Standards referenced by the commenter, and other applicable laws. However, NMFS disagrees with the commenter's implicit assumption that any catch limit must have a high probability of ending overfishing and rebuilding stocks in as short a period as possible. Although the western pacific bigeye stock is currently subject to overfishing, it is not overfished as defined by NMFS status determination criteria under the Pelagic FEP. Further, the Council and NMFS are not required to develop annual catch limits for internationally-managed stocks (16 U.S.C. 1853 note). Given the relative impact of the U.S. on western pacific bigeye tuna, applying limits to U.S. fishermen on only the U.S. portion of the catch or quota would not lead to ending overfishing and could unfairly disadvantage U.S. fishermen (74 FR 3178 and 3199, January 16, 2009). Accordingly, when evaluating whether a conservation and management action proposed under the Magnuson- Stevens Act prevents overfishing of a stock that is subject to international management, NMFS considers whether the action is consistent with the conservation objectives of the applicable decision of the regional fishery management organization.

Amendment 7 addresses impacts to target species including consideration whether anticipated catch levels will undermine conservation and management objectives to end overfishing on WCPO bigeye tuna. There are accountability measures in place to account for any changes in stock status or other factors. The Council and NMFS will use the best scientific information available to review and specify catch or fishing effort limits or allocation limits on an annual basis, taking into account catches of other target and non-target species, including consistency with the Magnuson-Stevens Act and other applicable laws.

See also the response to Comments 2, 3, and 5.

Comment 13: NMFS should adopt Alternative 2 in the EA associated with Amendment 7 wherein no authority

exists for U.S. participating territories to assign, allocate, and manage catch limits of bigeye tuna as was done in 2012 and 2013, establish a framework for setting catch limits based on the status of the stock—designed to result in a high probability of ending overfishing in as short a period as possible—and no higher than allowed under international conservation measures, and prepare an environmental impact statement to analyze impacts of the action beyond 2020, the impact of longline overfishing on ecosystem structure per Polovina et al. (2013), and the long-term impacts and contingencies if bigeye tuna overfishing continues.

Response: See response to Comment 11 regarding statutory authority. This action includes appropriate management safeguards, including annual review and action on territory and allocation limits based on the best scientific and commercial information available, which will ensure that this limited transfer of available quota will not undermine conservation objectives. The EA provides a comprehensive description of the affected environment and analysis of the action through a reasonable range of alternatives. Based on the EA, including consideration of precautionary measures that provide for annual Council review and NMFS action, with supporting NEPA and ESA analyses, NMFS believes that the environmental impacts associated with this action are not significant as to require the preparation of an EIS. In particular, NMFS is satisfied that safeguards, including the availability of annual review and prompt corrective action, are sufficient to respond to any change in the conservation needs of the stock and to keep impacts of this action to a minimum.

Highly migratory species, including bigeye tuna, are subject to international management measures agreed to by the WCPFC, to which the U.S.A. is a member. The U.S. territories are authorized to harvest specified levels of highly migratory species. This action would allow for the limited transfer of bigeye tuna and potentially other highly migratory species between territories and U.S. vessels consistent with international measures that would end overfishing within target dates set out by the WCPFC. The EA analyzed the impacts of the specified territory catch limits for bigeye tuna, not only in 2014 when the limits are in effect, but also through 2017 and 2020 when based on existing management measures and the best scientific information available, overfishing of bigeye tuna is expected to end. In addition, the EA analyzed various catch levels of bigeye tuna under agreements, including the most likely scenario that the territories would assign 1,000 mt to U.S. vessels, based on the latest stock assessment of bigeye tuna in the WCPO (2011), along with other stock assessments and information for non-target and protected marine species.

The stock status trend in the Tuna Management Simulator (TUMAS) model (developed by the Secretariat of the Pacific Community, the science provider to the WCPFC) using recent average recruitment of WCPO bigeye tuna, suggests further improvements in stock conditions by 2017 and 2020. The 2014 allocation allows each territory to transfer no more than 1,000 mt. In the future, if the best scientific information available and environmental analyses indicate that stock conditions have not improved as projected, the Council and NMFS would likely approve a smaller transferable allocation, or none at all. Further, the annual review process allows the Council and NMFS to take corrective action, as appropriate, to meet the conservation needs of the stock, non-target stock, or protected species.

Comment 14: Increasing U.S. longline fishing effort, including the Hawaii deep-set fishery for which discards now amount to 40 percent of the catch, will increase fishing mortality for non-target species, violating international and U.S. prohibitions on bycatch of vulnerable species. While Hawaii's shallow-set longline fishery has 100 percent observer coverage, the other longline fisheries for which the rule sets bigeye tuna catch limits have far less. All should be required to have 100 percent observer coverage. The animals subjected to higher mortality as a result of the proposed rule include yellowfin tuna, North Pacific albacore, silky sharks, and oceanic whitetip sharks. Endangered species at greater risk of [mortality] from fishing include, but are not limited to, leatherback and loggerhead sea turtles, sperm whales, Main Hawaiian Islands insular false killer whales, and short-tailed albatross. International and U.S. laws restrict the take of many of these species.

Response: The Hawaii deep-set longline fishery is observed at 20 percent coverage levels, well in excess of 5 percent required under WCPFC measures, and consistent with statistically reliable sampling methods for determining impacts on target and non-target stocks and protected species. Moreover, impacts to non-target species and protected species are expected to remain within those observed in 2011–2013 while the fishery operated under Section 113, well within levels analyzed and authorized in relevant ESA, MMPA, and Magnuson-Stevens Act determinations.

See also the responses to Comments 3, 6, 22, and 23.

Comment 15: As evidenced by recent stock assessments of bigeye tuna in the Pacific, the status of bigeye tuna has reached a critical threshold where action to reduce fishing mortality should be implemented immediately.

Response: See the response to Comments 2 and 5.

Comment 16: Based on evidence that fishing negatively alters the ecosystem, and that the bigeye tuna population may soon no longer produce maximum sustainable yield for fishermen, NMFS should not allow increased U.S. bigeye tuna landings, but should prevent overfishing and analyze the consequences of not doing so, and act to reduce bycatch.

Response: The action is consistent with CMM 2013–01 objectives of ending overfishing of bigeye tuna, while allowing for the limited transfer of available quota between U.S. participating territories and U.S. fisheries. This action is consistent with international agreements, the Magnuson-Stevens Act, and controls catches of bigeye tuna by U.S. territorial longline fisheries. NMFS has already implemented the 2014 WCPFC longline catch limit for bigeye tuna of 3,763 mt for U.S. vessels in the WCPO. Under CMM 2013–01, individual catch limits do not apply to the U.S. participating territories, but NMFS is taking this action to implement limits for longline-caught bigeye tuna for the territories to ensure sustainable management and to limit the overall mortality of bigeye tuna from fisheries of the United States and U.S. territories. This action establishes accountability measures for attributing and restricting catch and fishing effort towards territorial limits, including catches and effort made under territory fishing agreements. Annual review and action by the Council and NMFS will help ensure achievement of the WCPFC's conservation goals. If, based on the conservation needs of the stock, NMFS disapproves the Council's annual recommendation, or if the Council recommends and NMFS approves an allocation limit of zero, then no territory fishing agreements would be accepted for the year covered by that action.

See also the response to Comments 2, 5, and 19.

Comment 17: The proposed rule provides for the Council to take the lead on establishing catch limits for the territories, raising serious concerns about conflicts of interest. Hawaii fishermen's deposits into the Western

Pacific Sustainable Fisheries Fund provide an incentive for the Council to set higher-than-sustainable catch limits for the U.S. territories. The Council financially benefits from high catch limits for the territories, which allow the territories to turn around and "sell" their allocations through the transfer agreements to Hawaii longline vessels. In essence, the proposed rule establishes a system under which Hawaii fishermen pay the Council to fish above the limits in the WCPFC CMMs. Especially for a species undergoing overfishing, it is imperative that catch limits are science-based and proposed by a financially disinterested agency. The Magnuson-Stevens Act requires disclosure and recusal of voting Council members in decisions "which would have a significant and predictable effect on [their] financial interest." The novel situation that the rule proposes—in that a Council financially benefits from higher fish catch limits—is analogous to what Congress hoped to prevent by enacting the Magnuson-Stevens Act's disclosure and recusal provisions.

Response: This final rule is consistent with the process followed under Section 113 from 2011–2013, in which funds under specified fishing agreements were deposited into the Western Pacific Sustainable Fisheries Fund (SFF) for fishery development projects listed in the territory Marine Conservation Plans approved by the Secretary of Commerce. The Council accesses funds in the SFF through cooperative grant agreements consistent with federal grant requirements. However, under this action and the Magnuson-Stevens Act section 204(e), funds from the SFF may not be used to support Council activities or to fund Council operations. Furthermore, the Council does not establish minimum funding levels for territory agreements—funding levels for a specified fishing agreement are negotiated between parties of the agreement.

The 2014 and any future annual specifications are subject to NMFS' approval, subject to consistency with the Magnuson-Stevens Act and WCPFC conservation and management objectives using the best scientific information available. To the extent that a Council member's financial interests may be affected by a decision to fund, or not to fund, a particular MCP project, the disclosure, voting, and recusal requirements of Magnuson-Stevens Act section 302(j) and 50 CFR 600.235 would apply.

Comment 18: Neither NMFS nor the Council provided a reasoned explanation based on best available science for the bigeye limit of 2,000 mt for U.S territories. In Amendment 7 and the EA, the discussion of Alternative 4 states that the Council will consider "the status of highly migratory species stocks, the needs of fishing communities . . . and any other relevant conservation and management factors" to develop catch limits, these criteria were not systematically applied to produce the Sub-alternatives 4(a) (no limit) or 4(b) (limit of 2,000 mt). The EA states that no more than 1,000 mt is likely to be transferred even though the proposed rule would allow a maximum of 3,000 mt to be transferred. Therefore, no need exists to set catch limits as high as 2,000 mt per territory. To set the limit so far above the needs of fishing communities for a species undergoing overfishing encourages unsustainable and speculative development.

Response: Alternative 4 provides a description of the Council's preferred alternative for the management framework, that is, the process. Sub-alternatives 4(a) and 4(b) relate to the Council's recommendation to specify annual longline catch limits for bigeye tuna for the territories and limits on amounts available for allocation under agreements between the territories and U.S. vessels, that is, the specifications. Amendment 7 and the EA analyzed the status of target, non-target, and protected species, as well as the anticipated impacts from each alternative, including the preferred.

The Council based the 2,000-mt limit for each U.S. territory on past limits provided to WCPFC members that harvested less than 2,000 mt annually in previous CMMs (2008–01 and 2011–01), and which is currently set forth in paragraph 41 of CMM 2013–01. Paragraph 41 states that each member that caught less than 2,000 mt of bigeye in 2004 ensure that its catch does not exceed 2,000 mt in each of the next 4 years (2014, 2015, 2016, and 2017). However, paragraph 7 of CMM 2013–01 exempts SIDS and PTs from the 2,000 mt annual limit meaning that, under WCPFC decisions, these members are not subject to individual bigeye limits. This final rule would effectively remove that exemption and make American Samoa, Guam, and the CNMI subject to 2,000 mt limits for 2014.

The 2,000 mt limits would allow for the continued development of domestic fisheries in the U.S. participating territories while ensuring that total bigeye tuna mortality by all U.S. and territory longline fisheries would not exceed a fixed amount. American Samoa has an existing longline fishery that catches bigeye tuna while targeting South Pacific albacore. If that fishery diversifies and targets other species, higher landings of bigeye tuna may result. Therefore, the total limit of 2,000 mt will allow territories to enter into fishing agreements with U.S. fisheries, while maintaining sufficient reserve quota for domestic development.

See also the responses to Comments 2 and 19.

Comment 19: NMFS and the Council should have analyzed the health of the bigeye tuna stock across the Pacific Ocean, acknowledge the remaining uncertainty regarding the future of the stock, and provide a measure for curtailing domestic development if a stock producing maximum sustainable yield fails to materialize in future years. In addition, the action should consider other fish that might substitute for bigeye tuna in the event yield declines and what the environmental consequences will be of transferring longline capacity of the U.S. territories and Hawaii to those species.

Response: The specified catch limit for bigeye tuna is effective for 2014 only. The Council may recommend that NMFS set appropriate catch or fishing effort limits and allocation limits for the territories' pelagic fisheries, including longline. Further, the framework includes mandatory precautionary measures to ensure that any limits are specified according to the best scientific information available, recognizing potential changes in stock status and international conservation and management measures and to ensure consistency with the conservation needs of the stock. The Council and NMFS will review any existing or proposed catch or fishing effort limit or transfer limit on an annual basis to ensure consistency with the FEP, Magnuson-Stevens Act, WCPFC decisions, and other applicable laws. The Council and NMFS will evaluate the environmental effects of any future catch or fishing effort limit or allocation limit that the Council recommends using the best scientific information available at the time in an appropriate NEPA analysis. In the event that the Council fails to recommend a specification, or recommends an amount that, in light of the best available scientific information, is inconsistent with the conservation and management needs of the stock, then NMFS will not approve specified fishing agreements for that year.

NMFS is satisfied that the process described above adequately accounts for scientific uncertainty and the possibility that future stock projections may not align with observed trends. The Council and NMFS regularly review the status of pelagic fisheries in the region and will take future management action as warranted by the circumstances.

Amendment 7 and the EA analyzed comprehensively the impacts of territorial catch limits for bigeye tuna across the Pacific, not only in 2014 when the limits are in effect, but also through 2017 and 2020. In addition, the EA analyzed various catch levels of bigeye tuna under agreements, including the most likely scenario that the territories would assign up to 1,000 mt to U.S. vessels, based on the 2011 stock assessment of bigeye tuna in the WCPO (2011) and the 2013 assessment for the eastern Pacific Ocean, along with other stock assessments and information for non-target and protected marine species. In December 2014, the WCPFC is expected to review several stock assessment updates for highly migratory species, including a 2014 assessment of bigeye tuna in the WCPO. If approved by the WCPFC for management, NMFS and the Council would use these new assessments in reviewing and developing catch or fishing effort specifications in future years.

Finally, NMFS is unable to speculate whether other fish could substitute for bigeye tuna in the future if circumstances change, including the stock status of bigeye tuna. Moreover, such consideration is outside the scope of this rule and the Council's action.

Comment 20: The EA misinterprets fisheries science by taking a short-term instead of a long-term view, and ignores both the serious consequences of continuing overfishing and the benefits gained from ending overfishing. Sibert et al. (2012), concerned that high fishing mortality will soon reduce bigeye tuna to fewer than are capable of producing maximum sustainable yield, have recommended policies to curtail mortality of juveniles and adults. For the EA to analyze impacts of the proposed action on bigeye tuna in only 2020, six years away, fails to account for the long-term benefits that the fishermen could realize by reducing fishing mortality now. In some places, the EA takes an even shorter view, analyzing the socioeconomic impacts in 2014, but not long-term impacts of continued overfishing. For example, the transfer agreements—which increase U.S. vessels' catch of bigeye tuna compared to the WCPFC limits on U.S. bigeye tuna catch—may provide unsustainable short-term benefits if bigeye tuna overfishing continues. The EA states that catches "of target and non-target species by U.S. longline fisheries would likely be lower by several hundred tons (e.g., bigeye tuna) to tens of tons (e.g., WCNP striped marlin) without arrangements." This short-term view excludes the potentially significant benefits from conservation measures if fishing mortality were reduced now (i.e., catches could be far greater in 2030 without the arrangements). (See Sibert et al. 2012.) Instead, the EA analyzes only the short-term effects. To take the "hard look" that NEPA demands, statements in the EA like the one on page 38—"Local markets and consumers would be limited in the fresh pelagic fish from the Hawaii longline fishery" if the Hawaii fishery closes before the year's end—must be counter-balanced with analysis of the potential for continued overfishing to cause bigeye tuna soon to be incapable of producing maximum sustainable yield. By artificially truncating its analysis, the EA fails to account for the threat to the long-term survival of the fishery posed by increasing fishery mortality through the transfer agreements.

Without transfer agreements—and the resulting increase in overfishing—catches of bigeye tuna could increase and catches of non-target fish could decrease. Ending overfishing would create both a healthier ecosystem and additional economic benefits for U.S. fishermen in the long-term. Given the significant environmental effects that may occur, NEPA compels NMFS to fully analyze the issue in an environmental impact statement.

Response: This action is consistent with, and would not impede, WCPFC conservation and management objectives to end overfishing on bigeye tuna. See also the response to Comment 4. Amendment 7 used the Tuna Management Simulator (TUMAS) model to analyze the potential impacts on WCPO bigeye tuna under a variety of catch scenarios, including the level NMFS and the Council anticipate in 2014, that is, if up to 1,000 mt were assigned under a territory agreements and added to the U.S. WCPO bigeye tuna limit of 3,763 mt. Contrary to the implication raised in the comment, the EA did analyze the impact of no fishing agreements with U.S. participating territories, meaning that U.S. fisheries would harvest no more than 3,763 mt of bigeye tuna in 2014 and beyond.

Conservative analysis in Amendment 7 indicated that without any territory agreements, that is, assuming a constant catch of 3,763 mt of WCPO bigeye tuna (which does not account for further reductions in U.S. longline catch for bigeye tuna as agreed to in CMM 2013–01), and using 2010 fishing conditions as the baseline, overfishing of bigeye tuna would end by 2017, with a concomitant improvement in stock status. This projected improvement in the condition of WCPO bigeye tuna uses the recent average recruitment scenario, the better of two indicators of future recruitment levels as detailed in Amendment 7. The recent recruitment scenario reflects current conditions and conditions that are likely to prevail into the near future where bigeye tuna catches will be from a mixture of purse seine and longline fisheries.

The EA also analyzed the impact of 4,763 mt of bigeye tuna catch under the same recent average recruitment scenario. The analysis revealed virtually no change from the "no action" alternative in the status of bigeye tuna when projected to 2017 and 2020. Moreover, the simulated TUMAS projections also indicate an end to overfishing when the contribution of an additional 1,000 mt transferred under territory agreements, or 4,763 mt of WCPO bigeye tuna catch, is included and projected through 2017 and 2020. See also the response to Comment 20.

Sibert et al. (2012) evaluate historical effort of purse seine and longline fisheries and spatial management by the WCPFC and explore alternative conservation and management scenarios using a model-based approach for reducing and managing fishing mortality on bigeye tuna for guiding future conservation measures for tropical tunas. This action would not impede the objective of CMM 2013–01 to end overfishing on bigeye tuna in the WCPO as Amendment 7 details. Further, Sibert et al. (2012) note that there are no suitable models for forecasting fishing effort beyond extrapolating current fishing conditions more than a few years into the future and longer-term forecasts would require realistic and quantitative information on commercial fishing on a fleet-wide basis, that is, all foreign and domestic purse seine and longline vessels in the WCPO.

NMFS disagrees that it should decrease catches now in order to reap far greater bigeye catches in 2030. Under the Magnuson- Stevens Act, conservation and management measures must prevent overfishing while ensuring on a continuing basis the optimum yield from each fishery. This final rule achieves the National Standard 1 directives of both preventing overfishing while allowing fishermen a reasonable opportunity to harvest the stock.

Finally, Amendment 7 describes impacts to non-target species under each alternative. NMFS agrees that eliminating overfishing on bigeye tuna in the WCPO may have ancillary benefits to the ecosystem and U.S. fishermen, but the effects are not quantifiable. NMFS found that there would be no significant effects of the

action (negative or positive) on the environment.

See also the response to Comment 13.

Comment 21: The EA unlawfully fails to address whether the proposed rule would violate other WCPFC CMMs that restrict catch of fish, including sharks.

Response: See the response to Comments 3, 5, and 6.

Comment 22: Incidental take of endangered marine mammals in commercial fisheries requires a negligible impact determination and other requirements to be met before authorization under the MMPA section 101(a)(5)(E). The MMPA requires fishery monitoring at levels to produce statistically reliable estimates of marine mammal serious injury and mortality. In the deep-set longline fishery, observer coverage should be increased to 100 percent. This level of monitoring has already been recommended in the United States Fish and Wildlife Service (USFWS) 2012 biological opinion for the Hawaii pelagic longline fisheries, both shallow- and deep-set. The proposed rule's increase of fishing effort in this fishery in the absence of MMPA authorization could lead to illegal incidental take.

Response: In a Biological Opinion dated September 19, 2014, NMFS concluded that the longline fishery is not likely to jeopardize the continued existence of ESA-listed humpback whales, sperm whales, the MHI insular false killer whale distinct population segment (DPS), North Pacific loggerhead DPS, leatherback sea turtles, olive ridley sea turtles, green sea turtles, and the Indo-west Pacific scalloped hammerhead DPS. NMFS based this conclusion on a careful assessment of the effects of the action, together with the environmental baseline and the cumulative effects. Where appropriate, an incidental take statement allows for the incidental taking of ESA-listed species during the course of fishing operations, where consistent with specified reasonable and prudent measures and terms and conditions.

Moreover, on October 10, 2014, NMFS authorized a permit under the MMPA section 101(a)(5)(E), addressing the fishery's interactions with depleted stocks of marine mammals. The permit authorizes the incidental, but not intentional, taking of ESA-listed humpback whales (Central North Pacific (CNP) stock), sperm whales (Hawaii stock), and MHI insular false killer whales. In authorizing this permit, NMFS determined that incidental taking by the Hawaii longline fisheries will have a negligible impact on the affected stocks of marine mammals.

The USFWS provided conservation recommendations regarding the amount of observer coverage for the Hawaii-based deep-set longline fishery in its 2012 biological opinion (BiOp) (Biological Opinion of the USFWS for the Operation of Hawaii-based Pelagic Longline Fisheries, Shallow Set and Deep Set, Hawaii; January 6, 2012). As stated in the 2012 BiOp, conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat (e.g., to help implement recovery plans, or to collect information). The USFWS recommended that observer coverage for the deep-set fishery be increased, as funds are available, and that the amount of coverage be increased to 100 percent for vessels fishing within the range of the short-tailed albatross. However, NMFS is satisfied that 20 percent observer coverage is sufficient to provide statistically reliable information with which to accurately assess the fishery's impacts on protected species. Moreover, whether or when to make changes to observer coverage is outside the scope of this rulemaking.

Comment 23: According to Amendment 7 and the EA, the most recent ESA consultation for longline fisheries in Guam and the CNMI was completed in 2001. Since then, loggerhead sea turtles—one of the sea turtle species with which the fisheries interact—have been listed as distinct populations segments (DPSs) under the ESA. Based on this information and likely other new information on the fisheries' interactions, NMFS must complete consultation on the impacts of the proposed rule on listed animals. If the fisheries are likely to harm migratory birds or marine mammals, NMFS should also make appropriate determinations under those laws.

Response: On September 22, 2011, NMFS and USFWS determined that the loggerhead sea turtle is composed of nine DPSs (76 FR 58868). Effective October 24, 2011, NMFS and USFWS listed four DPSs as threatened and five as endangered under the ESA. Specifically, NMFS listed the North Pacific loggerhead sea turtle DPS and South Pacific loggerhead sea turtle DPS as endangered and at risk of extinction. Due to geography and the operational area of historical longline fishing in and around the Marianas Archipelago, the effective population addressed in the 2001 Biological Opinion for pelagic longline fisheries in Guam and the CNMI was the North Pacific DPS. Currently there is no U.S. longline fishing occurring in or near the Marianas Archipelago that may affect the North Pacific loggerhead DPS. This action analyzes fishing effort by U.S. longline vessels operating under agreements that, consistent with historical trends, will occur primarily on the high seas around the Hawaiian Archipelago. A no-jeopardy biological opinion completed on September 19, 2014, thoroughly analyzed the impacts of the continued operation of the deep-set fishery on the North Pacific loggerhead DPS. As part of its environmental baseline analysis, the biological opinion also considered impacts to the species from other domestic and international fisheries throughout the Western and Central Pacific Ocean.

Comment 24: Although imperfect, this action represents the best efforts of the Council and NMFS to achieve a complicated set of purposes, balancing U.S. law, international treaties, practicalities, and science, in a context in which the United States, no matter what actions it takes, cannot control the outcome or ensure success because of the substantial impact of large-scale foreign fisheries. As stated in the assessment document, the Hawaii-based commercial longline fisheries are one of "the most responsible fisheries in the world." Our fisheries are rigorously managed, monitored and enforced, and operate under an extensive set of operational and management requirements and limits for the benefit of target and bycatch species, and for the protection of marine mammals, seabirds, and sea turtles.

Response: NMFS agrees that the management recommendations in Amendment 7 and this implementing final rule are based on the best scientific information available and is consistent with WCPFC conservation and management objectives, the Magnuson-Stevens Act, and other applicable laws.

Comment 25: Although the United States has a robust set of laws and regulatory programs to address and ensure sustainable fish stocks and fisheries, principally under the Magnuson-Stevens Act, it is well-established that the U.S.A. cannot end overfishing of bigeye tuna in the WCPO through unilateral actions, and unilateral suppression of U.S. commercial longline fishing targeting bigeye tuna would actually be counterproductive to conservation of bigeye tuna and other species.

Response: NMFS acknowledges the comment.

Comment 26: This action is more stringent than current international treaty requirements, and meets or exceeds applicable standards under the Western and Central Pacific Fisheries

Convention Implementation Act (WCPFCIA), the Magnuson-Stevens Act, and Section 113.

Response: This action is consistent with the statutes noted, as well as with the objectives of the CMMs to end overfishing of bigeye tuna. Also, see response to Comments 2 and 31.

Comment 27: The proposed regulations establish a new and unproven regulatory process requiring annual Council and NMFS analyses of complex information. Any failure in the proposed multi-step process could result in no acceptance of a specified fishing agreement, which would be catastrophic for the Hawaii-based longline fisheries.

Response: NMFS is sensitive to the potential economic impact that rejection of a specified fishing agreement may have on fishery participants. Nevertheless, the Magnuson-Stevens Act requires that the conservation needs of affected fishery stocks take priority over short-term economic interests. This principle is particularly important here, where bigeye tuna is currently subject to overfishing in the WCPO.

This final rule provides the ability for NMFS to monitor and take action in response to the best scientific information available, including new stock assessments and WCPFC conservation and management measures. It establishes an orderly process by which the Council and NMFS can monitor management agreements and take timely action to prevent overfishing while ensuring optimum yield on a continuing basis. The rule provides deadlines to establish a schedule and flexibility to allow for contingencies. The process and procedures identified are necessary to ensure that the limited transfer of quota to U.S. fisheries is done responsibly with the conservation requirements of the pelagic stocks. Implementing agreements in a haphazard manner could result in increased overfishing pressure on bigeye tuna and loss of management controls. The availability of this review process is essential to the NMFS determination that the rule is consistent with the Magnuson-Stevens Act and other applicable law.

Comment 28: In the proposed rule, the notification (§ 665.819(c)(ii)) and appeal (§ 665.819(c)(8)) provisions would grant rights only to signatory territories, not the signatory vessel owners or their representative. This would violate due process for NMFS to enact a process for reviewing, approving, denying, or conditioning specified fishing agreements that failed to afford rights of notice, appeal, and hearing to all of the parties to such agreements.

Response: NMFS agrees that the proposed rule contained this unintended oversight. The final rule corrects the oversight by including vessel owners and their representatives in the notification and appeal processes.

Comment 29: The default result of any failure of the process of specifying an annual transfer limit should be continuation of the previously existing annual limit. This approach would be consistent with existing federal administrative law under which invalid regulations generally result in reinstatement of the prior existing regulations, not a regulatory vacuum.

Response: As stated above, the Magnuson-Stevens Act requires that NMFS give priority to the conservation needs of fishery stocks over economic interests. Under this action, the Council and NMFS will review and specify annual catch or fishing effort limits including the amount of catch or effort allowed for transfer under specified fishing agreements on an annual basis. This review is independent of the Council and NMFS review of specified fishing agreements. The failure of the Council to recommend, or NMFS to approve, an annual allocation limit that meets the requirements of the Magnuson-Stevens Act or other applicable law will require that no allocation limit be approved for that fishing year. This review and approval process is essential to the NMFS determination that the rule is consistent with the Magnuson-Stevens Act and other applicable law.

Comment 30: A multi-year transfer limit would add important predictability, while reducing the extreme time-sensitivity, risk, and administrative costs of annual reviews. Moreover, a multi-year limit is likely to be more consistent with the availability of new stock assessment information.

Response: This final rule allows NMFS to specify catch or fishing effort limits on an annual or multi-year basis, as recommended by the Council, and not exceeding WCPFC adopted limits. The action allows for multi-year annual limits if they are consistent with the conservation requirements of the stock. The Council must annually undertake their review and recommendation based on the best scientific information available relative to the stock status. If the WCPFC does not agree to limits for a western Pacific pelagic species that apply to a U.S. territory, the Council may recommend that NMFS set a catch or effort limit, and allocation limit that are consistent with the FEP, Magnuson-Stevens Act, and other applicable laws; this includes the possibility of multi-year limits. Nevertheless, the management framework requires the Council to review and make recommendations, and NMFS to take action on any existing or proposed catch or fishing effort limit and portion available for allocation, at least annually, to account for any changes to stock status, status of the fishery, and other relevant socio-economic factors, and to ensure consistency with all applicable laws. The annual review and recommendation includes any multi-year limit previously recommended and implemented. As stated above, annual review and action is necessary to ensure that the conservation needs of the stock take priority over economic considerations and to ensure that management is based on the best available scientific information, as mandated by Magnuson-Stevens Act.

Comment 31: The proposed action includes adoption of both an annual longline catch limit for bigeye tuna of 2,000 mt per year for each of the territories, each with an annual transferable limit of 1,000 mt. These limits are substantially more stringent than the conservation measures adopted by the WCPFC and the mandate of Congress in Section 113.

Response: NMFS agrees that the action would implement catch limits for the territories that would otherwise not exist under CMM 2013–01. Also, see response to Comment 26.

Comment 32: Given increasingly stringent international requirements, were NMFS to subsequently impose lower transferable limits or to otherwise procedurally limit transfers, the result would both violate applicable law and do more harm than good for U.S. commercial fisheries, bigeye tuna in the WCPO, and conservation efforts generally.

Response: The proposed framework allows the Council and NMFS to set catch or effort limits for pelagic management unit species (MUS) based on the best scientific information available, including stock assessments, social and economic information, and consistency with the Magnuson-Stevens Act and international conservation and management measures to ensure responsible fisheries development in the U.S. participating territories.

Comment 33: NMFS has no authority to adopt regulations that limit the transfer authority of a territory as proposed.

Response: NMFS is taking this action under the Magnuson-Stevens Act, which authorizes NMFS to promulgate regulations necessary or appropriate to implement a plan amendment,

including regulations to establish a U.S. participating territory's transferable interest in fishery resources. Under the Magnuson-Stevens Act, the United States exercises sovereign rights and exclusive management authority over all fishery resources in the U.S. Exclusive Economic Zone (EEZ). However, the Magnuson-Stevens Act provides States and territories with limited authority to manage fisheries outside of their boundaries when authorized to do so by a fishery management plan, or with respect to their own vessels, when the State or territory's management is consistent with the relevant fishery management plan and regulations. This action would authorize U.S. territories to enter into agreements to transfer a limited amount of pelagic species quota to eligible U.S. fishing vessels.

See also the response to Comment 2.

Comment 34: The proposed rule appears to implement the 1,000-mt limit to ensure that sufficient catch quota is available for territory fishery participants, but there is no factual basis to anticipate that there is a need to reserve 1,000 mt for territory fisheries. Even if there were a demonstrated need to reserve catch, it would be within the sovereign rights of each territory to evaluate and reserve appropriate catch quota in negotiating the terms of specified fishing agreements. Neither the Magnuson-Stevens Act nor other U.S. law or regulation grants to NMFS the right or obligation to enact catch limits for this purpose. Also, a 1,000-mt limit on transfers does not appear to be necessary to ensure sustainability, rather this limit has the appearance of increased stringency in regulating U.S. fisheries, but the reality of only handicapping U.S. fisheries relative to competing international fisheries.

Response: As stated above, the United States exercises exclusive management authority over fishery resources in the United States exclusive economic zone. This action would authorize U.S. participating territories to enter into agreements to transfer a limited amount of highly migratory species quota to eligible U.S. fishing vessels. The 1,000 mt-transferable limits in this final rule are based on the historical catches of bigeye made under a 2011–2012 agreement between American Samoa and the HLA. NMFS disagrees that the U.S. participating territories have independent authority under the Magnuson-Stevens Act or WCPF Convention to evaluate and reserve catch of bigeye tuna; however, within the available transfer limits, the territories can negotiate the terms of specified fishing agreements, including the amount of catch to be transferred. This authority is subject to implementation under the Magnuson-Stevens Act, which provides oversight and management by the Council and NMFS. NMFS believes that 1,000-mt transferable limits helps achieve conservation and management objectives to eliminate overfishing on bigeye tuna, consistent with regional international objectives. Limiting overall harvest of bigeye tuna is important to eliminate overfishing and sustainably manage the stock in the WCPO; a transferable limit of 1,000 mt allows the territories to make allocation agreements with U.S. vessels to support fisheries development in the territories, while allowing the territories to retain a portion for utilization by their domestic fisheries.

See also the response to Comment 18.

Comment 35: Proposed regulations in § 665.819(c)(3)(iii) would authorize NMFS, in consultation with the Council, to impose "such additional terms and conditions" as it deems necessary for specified fishing agreements. This appears to be a catch-all provision designed to grant overly broad agency discretion to intervene in a commercial agreement between a territory and the Hawaii longline fisheries. We are aware of no demonstrated need, purpose, or authority for this provision.

Response: Fishery management plan amendments and implementing regulations must be consistent with the Magnuson-Stevens Act, including the 10 National Standards. Under the Magnuson-Stevens Act, NMFS and the Council are responsible for ensuring that fish stocks are sustainably managed to prevent overfishing, while achieving on a continuing basis the optimum yield from each fishery. NMFS must give appropriate consideration to the economics of the fishery, including the commercial agreements referenced above, but these considerations do not take priority over the conservation needs of the stock (see 50 CFR 600.345(b)(1)). Moreover, NMFS notes that nothing in Section 113, WCPFC decisions, or the Magnuson-Stevens Act provides fishermen with an unbounded entitlement to purchase and harvest additional quota through territory agreements. NMFS cannot anticipate every possible term that parties may agree to in specified agreements. Accordingly, the narrowly-tailored regulatory provision provides that NMFS, in consultation with the Council, may recommend such additional terms and conditions as may be necessary to ensure compliance with the Magnuson-Stevens Act and other applicable laws, and is intended to ensure that the limited exchange of quota for pelagic management unit species, including bigeye tuna, does not jeopardize the conservation needs of affected stocks. NMFS considers this regulatory provision, along with other precautionary measures implemented by this rule, to be vital to our determination that the action is consistent with the Magnuson-Stevens Act and other applicable laws.

Moreover, the Council's action expressly anticipated the above-referenced regulatory text. At the 154th Council Meeting in June 2012, the Council took action to recommend, in relevant part, that "the authority provided in this Pelagics FEP amendment may be subject to maximum annual limits, and any other terms or conditions, as recommended by the Council and approved by the Secretary of Commerce" (emphasis added). In the same action, the Council expressly authorized its Executive Director to review the regulations for consistency with the Council action before submitting them. The Executive Director discharged this responsibility in forwarding the regulations implementing Amendment 7, including the referenced regulatory text. This action was further affirmed by the Council's action at the 157th meeting in June 2013.

Comment 36: There should be no reduction in the recreational catch limits for tunas.

Response: This action does not create, affect, or change any recreational fishing catch limits for tuna anywhere.

Comment 37: Demand for bigeye tuna is so high that protection of the species for sustainable fisheries is critical. While NMFS does not expect the fishing limits to be reached in monitored areas, this highly migratory species should be consistently be protected throughout the western Pacific. We should monitor and support sustainable bigeye tuna and other pelagic fisheries, because we are one of the top consumers and beneficiaries of these fisheries, which is annually more than $50 million industry. If we hope to continue to enjoy the economic and substantive benefits of these fish, we must do our part to protect them consistently.

Response: NMFS agrees that consistent international conservation and management of bigeye tuna in the WCPO is necessary to end overfishing. This action is consistent with CMM 2013–01 and its objective of ending overfishing of bigeye tuna in the WCPO. The Council and NMFS will determine any amount of quota available for transfer, on an annual basis, among U.S. territories and qualifying U.S. vessels

after consideration of the conservation status and needs of the stock. See also the response to Comment 2.

Comment 38: Abolish longline fishing for bigeye tuna, as this is not a sustainable catch method and involves senseless bycatch. Reduce the bigeye tuna catch quota by 40 percent as recommended by scientists. We need to lower catch, eliminate bycatch deaths, and stop longlining, drift nets, and other extreme fishing methods.

Response: This action does not change longline as an approved gear type to target pelagic fish in the WCPO. Other fishing methods are outside of the scope of this action.

See also the responses to Comments 2, 3, and 4.

Comment 39: All nations should adhere to reduced catch if we are to have any bigeye tuna left. It is in our interest as well as other fishing nations to do so. Also, there should be enforced rules for some areas that should be left off limits to fishing to help these fish recover their numbers.

Response: NMFS agrees that international compliance with the WCPFC CMM 2013–01 is necessary to eliminate overfishing on bigeye tuna in the WCPO and maintaining sustainable fisheries. Restricted fishing areas, while not part of this final rule, can be an important management measure in many fisheries, including U.S. pelagic longline fisheries that operate around Hawaii and American Samoa. The NOAA Office of Law Enforcement and the U.S. Coast Guard enforce fisheries laws of the U.S. in cooperation with State, territorial, and international partners.

See also the response to Comment 4.

Comment 40: Allowing bigeye tuna populations to recover will ensure its long-term viability in commercial fishing.

Response: NMFS agrees. National Standard 1 in the Magnuson-Stevens Act requires any management action to prevent overfishing while achieving optimum yield from each fishery for the U.S. fishing industry on a continual basis. This action is consistent with the Magnuson-Stevens Act and the WCPFC goal of ending overfishing on bigeye tuna.

Comment 41: Our own scientists say bigeye tuna is overfished and headed for extinction.

Response: The latest stock assessment (2014) and NMFS' status determination for bigeye tuna in the western and central Pacific Ocean concluded the stock is subject to overfishing, but not overfished or approaching an overfished condition. A stock is subject to overfishing when the level of fishing mortality or annual total catch jeopardizes the capacity to produce maximum sustainable yield (MSY) on a continuing basis. In contrast, a stock is overfished when its biomass has decreased below the level that jeopardizes the capacity of the stock to produce MSY on a continuing basis. Bigeye tuna in the WCPO is currently subject to international management under the WCPFC, which has established a goal of eliminating overfishing of the stock. The Pacific-wide stock of bigeye tuna is not listed as threatened or endangered under the Endangered Species Act.

Comment 42: There is concern about increased fishing effort in the Hawaii longline fishery. Since 2005, the number of hooks that this fishery has set has increased by more than 14 million and projections indicate a total increase of nearly 44 percent by next year. In addition to bigeye tuna, a number of other species are a currently experiencing overfishing and/or are in an overfished condition, including North Pacific striped marlin, which could see increased catches of 20 mt.

Response: NMFS disagrees that the Hawaii deep-set longline fishery will increase by the amount noted. During 2012, when the Hawaii deep-set longline fishery operated under the U.S. longline limit for WCPO bigeye tuna and a Section 113 catch agreement, the fishery deployed 43,965,781 hooks. Based on a statistical analysis of logbook data, NMFS expects fishing effort (sets and hooks) to increase slightly or remain similar to recent years, and it is quite possible that the current deep-set fleet of 124–129 vessels may be operating near its annual maximum in terms of hooks, sets, and trips. Based on effort trends, NMFS estimates that in the near future the fishery may deploy 46,117,532 hooks in a year. If this occurs, it would represent an approximately 4.9 percent increase over the 2012 effort level.

See also the response to Comment 3.

Comment 43: The proposed transfer agreements fail to implement the WCPFC's recommended catch limits of bigeye tuna and other conservation measures. Nothing in CMM 2013–01 supports the NMFS claim that CMM 2013–01 does not establish annual bigeye tuna limits for the U.S. territories. On the contrary, CMM 2013–01 expressly provides that "attribution of catch and effort shall be to the flag State," in this case, the United States. The territories do not have additional bigeye tuna quotas under CMM 2013–01 that they can allocate to Hawaii-based longliners. The transfer agreements do not constitute charter arrangements under CMM 2011–05. Paragraph 7 in CMM 2013–01 does not create a loophole for U.S. flagged longline vessels to engage in unlimited fishing for bigeye tuna, contravening the WCPFC's intent to curb overfishing through the establishment of firm catch limits by flag.

Response: NMFS has already implemented the 3,763-mt catch limit for longline-caught bigeye tuna for the United States for 2014 (see 50 CFR 300.224) and will implement the U.S. longline catch limits for bigeye tuna specified in CMM 2013–01 for subsequent years in one or more separate rulemakings, as appropriate. Acting pursuant to the directive of Section 113, the Council also prepared an amendment and final rule that establishes a management framework for specifying catch and fishing effort limits and accountability measures for pelagic fisheries in the territories under the Magnuson-Stevens Act, including provisions that would allow for the limited transfer of quota from U.S. participating territories to eligible U.S. fishing vessels, consistent with the conservation needs of the affected stocks. CMM 2013–01, paragraphs 7 and 41, provide that SIDS and PTs, including American Samoa, Guam, and the CNMI, are not subject to individual longline limits for bigeye tuna and does not require that bigeye tuna catch limits be established for the longline fisheries of PTs.

NMFS notes that CMM 2013–01 does not establish individual bigeye tuna catch quotas for the territories; it only establishes individual fishing limits for certain members that operate developed fisheries. Moreover, nothing in CMM 2013–01 or predecessor decisions of the WCPFC requires that vessels operate under charters for purposes of catch attribution. To the contrary, CMM 2011–01 incorporated paragraph 2 of CMM 2008–01, which provided that vessels operated under "charter, lease *or similar mechanisms"* by developing states and participating territories, as an integral part of their domestic fleet, would be considered to be vessels of the host island State or territory.

NMFS agrees that paragraph 7 of CMM 2013–01 should not create a loophole for U.S. longline vessels to engage in unlimited fishing for bigeye tuna. This action authorizes U.S. territories to transfer a limited amount of available bigeye quota to longline fisheries that have the capacity to harvest the stock, consistent with the conservation needs of the stock.

Comment 44: The proposed action will allow for an increase in catch beyond the U.S. bigeye tuna catch limit

recently agreed to in the WCPFC under CMM 2013–01 and could increase tension among WCPFC member States and undermine progress toward the negotiation of further necessary reductions in fishing mortality, possibly undermining the leadership role of the United States in conservation efforts.

Response: NMFS is dedicated to U.S. management and conservation of the WCPO bigeye tuna and the work of the WCPFC, and does not believe this final rule will adversely affect the role of the United States in the WCPFC. NMFS considered and analyzed impacts of the action on bigeye tuna with all other sources of fishing mortality, and on the premise that the U.S. fisheries must continue to comply with applicable international conservation and management measures. This final rule will not result in significant adverse impacts to bigeye tuna, or prevent management measures from improving the status of bigeye tuna in the WCPO. CMM 2013–01 does not provide individual limits for annual catch of bigeye tuna for the SIDS and PTs, but NMFS acknowledges that there is potential for increased bigeye tuna catches by these countries through vessel chartering or similar mechanisms, including catch attribution programs. Nevertheless, an increase in vessel chartering by other members was not observed during the three years (2011–2013) of the longline fishery's operation under Section 113, and we do not anticipate changes as a result of this final rule.

See also the responses to Comments 2 and 4.

Comment 45: CMM 2013–01 does not prescribe the transfer of catch limits from one State to another, nor does it allow for the transfer of catch limits from one territory to a State. To be consistent with U.S. commitments and legally-binding agreements, NMFS should specify criteria for fishing agreements that require all longline vessels to be based domestically in the territory in question, only catch the territory's bigeye tuna limit within the EEZ around each territory, and support the territories' development of its domestic fisheries. In addition, NMFS should include accountability measures that report on how such vessels have supported the development of the territory's domestic fisheries.

Response: Section 113, as amended, required the Council to develop and transmit a fishery management plan amendment and regulations, no later than December 31, 2013, that establish a framework for transferring territory catch or effort limits to eligible U.S. fishing vessels in exchange for payments into the Sustainable Fisheries Fund to support fisheries development projects in the territories. This final rule implements these provisions, as established in Amendment 7. In developing Amendment 7, the Council identified and analyzed a range of alternatives to achieve the objective of Section 113, consistent with the Magnuson-Stevens Act and other applicable laws. NMFS is bound to work within the Council process established under the Magnuson-Stevens Act, and must approve the Council's recommendation unless it finds such recommendation to be inconsistent with the Magnuson-Stevens Act or other laws. Under the provisions of the Council's proposal, specified fishing agreements must either provide for landing or offloading of catch in the ports of the relevant territory or provide funds to the Western Pacific Sustainable Fisheries Fund to support fisheries development in that territory. NMFS is unaware of any legal impediment to approval and implementation of these conditions.

Changes to the Proposed Rule

In the proposed rule, the provisions for notification in § 665.819(c)(3)(ii) and appeal in § 665.819(c)(8) regarding agency decisions on specified fishing agreements would have granted administrative appeal rights to the signatory territories, but not to the signatory vessel owners or their representatives. This unintended oversight, if implemented, would have denied procedural rights of review to all of the signatory parties to specified fishing agreements. The final rule corrects the oversight by including vessel owners and their representatives in those provisions.

In the proposed rule, the provisions in § 665.819(b)(2) and (b)(3) related to setting catch or fishing effort limit specifications and allocation portions for the fishing year, and the provisions in § 665.819(d)(1) regarding action when territorial catch or fishing effort limits or allocation limits are projected to be reached, each included references to the use of the **Federal Register** and other reasonable means to notify the public. While NMFS will endeavor to use other reasonable means of notifying permit holders and public of these provisions, the only required means of notification is publication in the **Federal Register**. The final rule has been updated to reflect this clarification.

NMFS is making several technical clarifications in this final rule. In the proposed rule at § 665.819, paragraph (c)(1)(ii) requires a specified fishing agreement to identify the "amount" of western Pacific pelagic MUS to which the fishing agreement applies. Because WCPFC catch limits and related NMFS catch specifications refer to the weight of fish, not the number or other measure, NMFS added "(weight)" after "amount" to clarify the requirement.

NMFS is also changing the mailing addresses and phone numbers for several NMFS offices in the regulations for Pacific Island and international fisheries and in the general Magnuson-Stevens Act provisions. After the proposed rule was published, the NMFS Pacific Islands Regional Office, Pacific Islands Fisheries Science Center, and the Pacific Islands Division of NOAA Law Enforcement moved their offices to a new location. Accordingly, this final rule revises addresses and contact information in §§ 300.31, 300.211, 300.219, 600.502, and 665.12.

Under NOAA Administrative Order 205–11, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA.

Classification

The Regional Administrator, Pacific Islands Region, NMFS, has determined that this action is necessary for the conservation and management of Pacific Island pelagic fisheries, and that it is consistent with Amendment 7, the Magnuson-Stevens Act, and other applicable laws.

Administrative Procedure Act

NMFS has determined that good cause exists to waive the 30-day delay in effectiveness of this rule because, under 5 U.S.C. 553(d), this rule relieves a restriction on the regulated community, and requiring a 30-day delay would be contrary to the public interest. This rule requires NMFS to begin attributing longline caught bigeye to the U.S. territory to which a fishing agreement applies seven days before the date NMFS projects the fishery to reach the U.S. bigeye tuna limit. NMFS now projects the current 3,763 metric ton limit will be reached in early- to mid-November 2014. NMFS must determine, in early November 2014, the amount of unused U.S. bigeye tuna quota, and begin attributing catch made by U.S. vessels identified in qualifying fishing agreement to the U.S. territory to which the agreement applies. If the effectiveness of this final rule is delayed past the date the bigeye tuna limit is reached, NMFS would be required to publish a temporary rule that restricts the Hawaii-based longline fishery until this final rule is effective, after which

NMFS would remove the restrictions. If the rule's effectiveness is delayed, fisheries that might otherwise remain unrestricted may prematurely be restricted based on the lower U.S. limit having been reached. By implementing this rule immediately, it allows the fishery to continue fishing without the uncertainty or disruption of a potential closure.

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

The Chief Council for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration during the proposed rule and specifications stage that this action would not have a significant economic impact on a substantial number of small entities. NMFS published the factual basis for the certification in the proposed rule and specifications, and does not repeat it here. NMFS received no comments regarding this certification. As a result, a final regulatory flexibility analysis was not required and none was prepared.

Paperwork Reduction Act

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) under Office of Management and Budget (OMB) Control Number 0648–0689. Specifically, the owners of U.S. pelagic longline fishing vessels, or their designated representatives, may enter into specified fishing agreements with the governments of American Samoa, Guam, or the Northern Mariana Islands, and this collection-of-information covers the preparation and submission of the agreement documents. The public reporting burden for a specified fishing agreement is estimated to average six hours per response, and two hours per appeal, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. NMFS expects to receive up to nine applications for specified fishing agreements each year, and one appeal per year, for a total maximum reporting burden of 56 hours per year. NMFS received no comments on the collection-of-information requirements in the proposed rule. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to the NMFS Regional Administrator (see **ADDRESSES**), and by email to *OIRA_Submission@omb.eop.gov*, or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

50 CFR Part 600

Administrative practice and procedure, Reporting and recordkeeping requirements.

50 CFR Part 665

Administrative practice and procedure, American Samoa, Commercial fishing, Fisheries, Guam, Hawaii, Northern Mariana Islands, Western and Central Pacific Fisheries Commission.

Dated: October 23, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS is amending 15 CFR part 902, and 50 CFR parts 300, 600, and 665 as follows: Title 15

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

■ 2. In § 902.1, amend the table in paragraph (b), under the entry "50 CFR" by adding an entry for § 665.819 to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648–)
* * * *	
50 CFR.	
* * * *	
665.819	–0689
* * * *	

Title 50

PART 300—INTERNATIONAL FISHERIES REGULATIONS

■ 3. The authority citation for part 300 continues to read as follows:

Authority: 16 U.S.C. 951 *et seq.*, 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 5501 *et seq.*, 16 U.S.C. 2431 *et seq.*, 31 U.S.C. 9701 *et seq.*

■ 4. In § 300.31, revise the definition of "Regional Administrator" to read as follows:

§ 300.31 Definitions.

* * * * *

Regional Administrator means the Regional Administrator, Pacific Islands Region, NMFS, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818, facsimile: 808–725–5215, or a designee.

* * * * *

■ 5. In § 300.211, revise the definitions of "Pacific Islands Regional Administrator" and "Special Agent-In-Charge (or SAC)" to read as follows:

§ 300.211 Definitions.

* * * * *

Pacific Islands Regional Administrator means the Regional Administrator, Pacific Islands Region, NMFS, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818, or a designee.

* * * * *

Special Agent-In-Charge (or SAC) means the Special-Agent-In-Charge, NOAA Office of Law Enforcement, Pacific Islands Division, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; tel: 808–725–6100; facsimile: 808–725–6199; email: *pidvms@noaa.gov*, or a designee.

* * * * *

■ 6. In § 300.219, revise paragraph (a) to read as follows:

§ 300.219 Vessel monitoring system.

(a) *SAC and VMS Helpdesk contact information and business hours.* For the

purpose of this section, the following contact information applies:

(1) *SAC.* Address: 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone: 808–725–6100; facsimile: 808–725–6199; email: *pidvms@noaa.gov;* business hours: Monday through Friday, except Federal holidays, 8 a.m. to 4:30 p.m., Hawaii Standard Time.

(2) *VMS Helpdesk.* Telephone: 888–219–9228; email: *ole.helpdesk@noaa.gov;* business hours: Monday through Friday, except Federal holidays, 7 a.m. to 11 p.m., Eastern Time.

* * * * *

■ 7. In § 300.224, remove paragraph (g) and revise paragraphs (d) and (f)(1)(iv) to read as follows:

§ 300.224 Longline fishing restrictions.

* * * * *

(d) *Exception for bigeye tuna caught by vessels included in specified fishing agreements under § 665.819(c) of this title.* Bigeye tuna caught by a vessel that is included in a specified fishing agreement under § 665.819(c) of this title will be attributed to the longline fishery of American Samoa, Guam, or the Northern Mariana Islands, according to the terms of the agreement to the extent the agreement is consistent with § 665.819(c) of this title and other applicable laws, and will not be counted against the limit, provided that:

(1) The start date specified in § 665.819(c)(9)(i) of this title has occurred or passed; and

(2) NMFS has not made a determination under § 665.819(c)(9)(iii) of this title that the catch of bigeye tuna exceeds the limit allocated to the territory that is a party to the agreement.

* * * * *

(f) * * *

(1) * * *

(iv) Bigeye tuna caught by longline gear may be retained on board, transshipped, and/or landed if they were caught by a vessel that is included in a specified fishing agreement under § 665.819(c) of this title, if the agreement provides for bigeye tuna to be attributed to the longline fishery of American Samoa, Guam, or the Northern Mariana Islands, provided that:

(A) The start date specified in § 665.819(c)(9)(i) of this title has occurred or passed; and

(B) NMFS has not made a determination under § 665.819(c)(9)(iii) of this title that the catch of bigeye tuna exceeds the limit allocated to the territory that is a party to the agreement.

* * * * *

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 8. The authority citation for part 600 is revised to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 9. In § 600.502, amend Table 1 by revising the entries for "Administrator, Pacific Islands Region" under the heading "NMFS regional administrators," and "Director, Pacific Islands Fisheries Science Center" under the heading "NMFS science and research directors" to read as follows:

§ 600.502 Vessel reports.

* * * * *

TABLE 1 TO § 600.502—ADDRESSES

NMFS regional administrators	NMFS science and research directors	U.S. Coast Guard commanders
* *	* * *	* *
Administrator, Pacific Islands Region, National Marine Fisheries Service, NOAA, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.	Director, Pacific Islands Fisheries Science Center, National Marine Fisheries Service, NOAA, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.	* * * * *

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PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 10. The authority citation for part 665 continues to read as follows:

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

■ 11. In § 665.12, revise the definitions of "Pacific Islands Regional Office (PIRO)" and "Special Agent-In-Charge" to read as follows:

§ 665.12 Definitions.

* * * * *

Pacific Islands Regional Office (PIRO) means the headquarters of the Pacific Islands Region, NMFS, located at 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone number: 808–725–5000.

* * * * *

Special Agent-In-Charge (SAC) means the Special Agent-In-Charge, NMFS, Pacific Islands Enforcement Division, located at 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone number: 808–725–6100, or a designee.

* * * * *

■ 12. In § 665.800, add definitions of "Effective date," "U.S. participating territory," and "WCPFC" in alphabetical order to read as follows:

§ 665.800 Definitions.

* * * * *

Effective date means the date upon which the Regional Administrator provides written notice to the authorized official or designated representative of the U.S. participating territory that a specified fishing agreement meets the requirements of this section.

* * * * *

U.S. participating territory means a U.S. participating territory to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force, for the United States), and includes American Samoa, Guam, and the Northern Mariana Islands.

* * * * *

WCPFC means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, including its employees and contractors.

* * * * *

■ 13. In § 665.802, add paragraph (o) to read as follows:

§ 665.802 Prohibitions.

* * * * *

(o) Use a fishing vessel to retain on board, transship, or land pelagic MUS captured by longline gear in the WCPFC Convention Area, as defined in § 300.211 of this title, in violation of any restriction announced in accordance with § 665.819(d)(2).

* * * * *

■ 14. Add § 665.819 to subpart F to read as follows:

§ 665.819 Territorial catch and fishing effort limits.

(a) *General.* (1) Notwithstanding § 665.4, if the WCPFC agrees to a catch or fishing effort limit for a stock of western Pacific pelagic MUS that is applicable to a U.S. participating territory, the Regional Administrator may specify an annual or multi-year catch or fishing effort limit for a U.S. participating territory, as recommended by the Council, not to exceed the WCPFC adopted limit. The Regional Administrator may authorize such U.S. participating territory to allocate a portion, as recommended by the Council, of the specified catch or fishing effort limit to a fishing vessel or vessels holding a valid permit issued under § 665.801 through a specified fishing agreement pursuant to paragraph (c) of this section.

(2) If the WCPFC does not agree to a catch or fishing effort limit for a stock of western Pacific pelagic MUS applicable to a U.S. participating territory, the Council may recommend that the Regional Administrator specify such a limit that is consistent with the Pelagics FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws. The Council may also recommend that the Regional Administrator authorize a U.S. participating territory to allocate a portion of a specified catch or fishing effort limit to a fishing vessel or vessels holding valid permits issued under § 665.801 through a specified fishing agreement pursuant to paragraph (c) of this section.

(3) The Council shall review any existing or proposed catch or fishing effort limit specification and portion available for allocation at least annually to ensure consistency with the Pelagics FEP, Magnuson-Stevens Act, WCPFC decisions, and other applicable laws. Based on this review, at least annually, the Council shall recommend to the Regional Administrator whether such catch or fishing effort limit specification or portion available for allocation should be approved for the next fishing year.

(4) The Regional Administrator shall review any Council recommendation pursuant to paragraph (a) of this section and, if determined to be consistent with the Pelagics FEP, Magnuson-Stevens Act, WCPFC decisions, and other applicable laws, shall approve such recommendation. If the Regional Administrator determines that a recommendation is inconsistent with the Pelagics FEP, Magnuson-Stevens Act, WCPFC decisions and other applicable laws, the Regional Administrator will disapprove the recommendation and provide the Council with a written explanation of the reasons for disapproval. If a catch or fishing effort limit specification or allocation limit is disapproved, or if the Council recommends and NMFS approves no catch or fishing effort limit specification or allocation limit, no specified fishing agreements as described in paragraph (c) of this section will be accepted for the fishing year covered by such action.

(b) *Procedures and timing.* (1) After receiving a Council recommendation for a catch or fishing effort limit specification, or portion available for allocation, the Regional Administrator will evaluate the recommendation for consistency with the Pelagics FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws.

(2) The Regional Administrator will publish in the **Federal Register** a notice and request for public comment of the proposed catch or fishing effort limit specification and any portion of the limit that may be allocated to a fishing vessel or vessels holding a valid permit issued under § 665.801.

(3) The Regional Administrator will publish in the **Federal Register**, a notice of the final catch or fishing effort limit specification and portion of the limit that may be allocated to a fishing vessel or vessels holding valid permits issued under § 665.801. The final specification of a catch or fishing effort limit will also announce the deadline for submitting a specified fishing agreement for review as described in paragraph (c) of this section. The deadline will be no earlier than 30 days after the publication date of the **Federal Register** notice that specifies the final catch or fishing effort limit and the portion of the limit that may be allocated through a specified fishing agreement.

(c) *Specified fishing agreements.* A specified fishing agreement means an agreement between a U.S. participating territory and the owner or a designated representative of a fishing vessel or vessels holding a valid permit issued under § 665.801 of this part. An agreement provides access to an identified portion of a catch or fishing effort limit and may not exceed the amount specified for the territory and made available for allocation pursuant to paragraph (a) of this section. The identified portion of a catch or fishing effort limit in an agreement must account for recent and anticipated harvest on the stock or stock complex or fishing effort, and any other valid agreements with the territory during the same year not to exceed the territory's catch or fishing effort limit or allocation limit.

(1) An authorized official or designated representative of a U.S. participating territory may submit a complete specified fishing agreement to the Council for review. A complete specified fishing agreement must meet the following requirements:

(i) Identify the vessel(s) to which the fishing agreement applies, along with documentation that such vessel(s) possesses a valid permit issued under § 665.801;

(ii) Identify the amount (weight) of western Pacific pelagic MUS to which the fishing agreement applies, if applicable;

(iii) Identify the amount of fishing effort to which the fishing agreement applies, if applicable;

(iv) Be signed by an authorized official of the applicable U.S. participating territory, or designated representative;

(v) Be signed by each vessel owner or designated representative; and

(vi) Satisfy either paragraph (c)(1)(vi)(A) or (B) of this section:

(A) Require the identified vessels to land or offload catch in the ports of the U.S. participating territory to which the fishing agreement applies; or

(B) Specify the amount of monetary contributions that each vessel owner in the agreement, or his or her designated representative, will deposit into the Western Pacific Sustainable Fisheries Fund.

(vii) Be consistent with the Pelagics FEP and implementing regulations, the Magnuson-Stevens Act, and other applicable laws; and

(viii) Shall not confer any right of compensation to any party enforceable against the United States should action under such agreement be prohibited or limited by NMFS pursuant to its authority under Magnuson-Stevens Act, or other applicable laws.

(2) *Council review.* The Council, through its Executive Director, will review a submitted specified fishing agreement to ensure that it is consistent with paragraph (1) of this section. The Council will advise the authorized official or designated representative of the U.S. participating territory to which the agreement applies of any inconsistency and provide an opportunity to modify the agreement, as appropriate. The Council will transmit the complete specified fishing agreement to the Regional Administrator for review.

(3) *Agency review.* (i) Upon receipt of a specified fishing agreement from the Council, the Regional Administrator will consider such agreement for consistency with paragraph (c)(1) of this section, the Pelagics FEP and

implementing regulations, the Magnuson-Stevens Act, and other applicable laws.

(ii) Within 30 calendar days of receipt of the fishing agreement from the Council, the Regional Administrator will provide the authorized official or designated representative of the U.S. participating territory to which the agreement applies and the signatory vessel owners or their designated representatives with written notice of whether the agreement meets the requirements of this section. The Regional Administrator will reject an agreement for any of the following reasons:

(A) The agreement fails to meet the criteria specified in this subpart;

(B) The applicant has failed to disclose material information;

(C) The applicant has made a material false statement related to the specified fishing agreement;

(D) The agreement is inconsistent with the Pelagics FEP, implementing regulations, the Magnuson-Stevens Act, or other applicable laws; or

(E) The agreement includes a vessel identified in another valid specified fishing agreement.

(iii) The Regional Administrator, in consultation with the Council, may recommend that specified fishing agreements include such additional terms and conditions as are necessary to ensure consistency with the Pelagics FEP and implementing regulations, the Magnuson-Stevens Act, and other applicable laws.

(iv) The U.S. participating territory must notify NMFS and the Council in writing of any changes in the identity of fishing vessels to which the specified fishing agreement applies within 72 hours of the change.

(v) Upon written notice that a specified fishing agreement fails to meet the requirements of this section, the Regional Administrator may provide the U.S. participating territory an opportunity to modify the fishing agreement within the time period prescribed in the notice. Such opportunity to modify the agreement may not exceed 30 days following the date of written notice. The U.S. participating territory may resubmit the agreement according to paragraph (c)(1) of this section.

(vi) The absence of the Regional Administrator's written notice within the time period specified in paragraph (c)(3)(ii) of this section or, if applicable, within the extended time period specified in paragraph (c)(3)(v) of this section shall operate as the Regional Administrator's finding that the fishing agreement meets the requirements of this section.

(4) *Transfer.* Specified fishing agreements authorized under this section are not transferable or assignable, except as allowed pursuant to paragraph (c)(3)(iv) of this section.

(5) A vessel shall not be identified in more than one valid specified fishing agreement at a time.

(6) *Revocation and suspension.* The Regional Administrator, in consultation with the Council, may at any time revoke or suspend attribution under a specified fishing agreement upon the determination that either: Operation under the agreement would violate the requirements of the Pelagics FEP or implementing regulations, the Magnuson-Stevens Act, or other applicable laws; or the U.S. participating territory fails to notify NMFS and the Council in writing of any changes in the identity of fishing vessels to which the specified fishing agreement applies within 72 hours of the change.

(7) *Cancellation.* The U.S. participating territory and the vessel owner(s), or designated representative(s), that are party to a specified fishing agreement must notify the Regional Administrator in writing within 72 hours after an agreement is cancelled or no longer valid. A valid notice of cancellation shall require the signatures of both parties to the agreement. All catch or fishing effort attributions under the agreement shall cease upon the written date of a valid notice of cancellation.

(8) *Appeals.* An authorized official or designated representative of a U.S. participating territory or signatory vessel owners or their designated representatives may appeal the granting, denial, conditioning, or suspension of a specified fishing agreement affecting their interests to the Regional Administrator in accordance with the permit appeals procedures set forth in § 665.801(o) of this subpart.

(9) *Catch or fishing effort attribution procedures.* (i) For vessels identified in a valid specified fishing agreement that are subject to a U.S. limit and fishing restrictions set forth in 50 CFR part 300, subpart O, NMFS will attribute catch made by such vessels to the applicable U.S. participating territory starting seven days before the date NMFS projects the annual U.S. limit to be reached, or upon the effective date of the agreement, whichever is later.

(ii) For U.S. fishing vessels identified in a valid specified fishing agreement that are subject to catch or fishing effort limits and fishing restrictions set forth in this subpart, NMFS will attribute catch or fishing effort to the applicable U.S. participating territory starting seven days before the date NMFS projects the limit to be reached, or upon the effective date of the agreement, whichever is later.

(iii) If NMFS determines catch or fishing effort made by fishing vessels identified in a specified fishing agreement exceeds the allocated limit, NMFS will attribute any overage of the limit back to the U.S. or Pacific island fishery to which the vessel(s) is registered and permitted in accordance with the regulations set forth in 50 CFR part 300, subpart O and other applicable laws.

(d) *Accountability measures.* (1) NMFS will monitor catch and fishing effort with respect to any territorial catch or fishing effort limit, including the amount of a limit allocated to vessels identified in a valid specified fishing agreement, using data submitted in logbooks and other information. When NMFS projects a territorial catch or fishing effort limit or allocated limit to be reached, the Regional Administrator shall publish notification to that effect in the **Federal Register** at least seven days before the limit will be reached.

(2) The notice will include an advisement that fishing for the applicable pelagic MUS stock or stock complex, or fishing effort, will be restricted on a specific date. The restriction may include, but is not limited to, a prohibition on retention, closure of a fishery, closure of specific areas, or other catch or fishing effort restrictions. The restriction will remain in effect until the end of the fishing year.

(e) *Disbursement of contributions from the Sustainable Fisheries Fund.* (1) NMFS shall make available to the Western Pacific Fishery Management Council monetary contributions, made to the Fund pursuant to a specified fishing agreement, in the following order of priority:

(i) Project(s) identified in an approved Marine Conservation Plan (16 U.S.C. 1824) of a U.S. participating territory that is a party to a valid specified fishing agreement, pursuant to § 665.819(c); and

(ii) In the case of two or more valid specified fishing agreements in a fishing year, the projects listed in an approved Marine Conservation Plan applicable to the territory with the earliest valid agreement will be funded first.

(2) At least seven calendar days prior to the disbursement of any funds, the Council shall provide in writing to NMFS a list identifying the order of priority of the projects in an approved Marine Conservation Plan that are to be

funded. The Council may thereafter revise this list.

[FR Doc. 2014–25610 Filed 10–24–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, and 556

[Docket No. FDA–2014–N–0002]

New Animal Drugs; Alfaxalone; Dinoprost; Ivermectin and Clorsulon; Nitrofurazone; Trenbolone and Estradiol Benzoate; Trimethoprim and Sulfadiazine; Tylosin; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule, technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during August 2014. FDA is also informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to reflect a change of sponsorship of two NADAs and one ANADA, and to reflect a revised food safety warning.

DATES: This rule is effective October 28, 2014.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9019, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during August 2014, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Persons with access to the Internet may obtain these documents at the CVM FOIA Electronic Reading Room: *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *http://www.fda.gov/AnimalVeterinary/Products/ApprovedAnimalDrugProducts/default.htm.*

In addition, Macleod Pharmaceuticals, Inc., 2600 Canton Ct., Fort Collins, CO 80525 has transferred ownership of, and all rights and interest in ANADA 200–033 for UNIPRIM (trimethoprim and sulfadiazine) Powder to Neogen Corp. (Neogen), 944 Nandino Blvd., Lexington, KY 40511. In 2004, Hess & Clark, Inc., transferred ownership of, and all rights and interest in NADA 011–154 for NFZ Puffer (nitrofurazone soluble powder) and NADA 140–851 for NFZ Wound Dressing (nitrofurazone ointment) to Neogen. At this time, the regulations are being amended to reflect these transfers.

Following these changes of sponsorship, Macleod Pharmaceuticals, Inc., and Hess & Clark, Inc., will no longer be the sponsor of an approved application. Accordingly, 21 CFR 510.600(c) is being amended to remove the entries for these firms.

Also, the animal drug regulations are being amended in 21 CFR 522.690 to revise a human food safety warning for dinoprost tromethamine injectable solution. This amendment is being made to improve the accuracy of the regulations.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING AUGUST 2014

NADA/ ANADA	Sponsor	New animal drug product name	Action	21 CFR Sections	FOIA Summary	NEPA Review
140–833	Merial Ltd., 3239 Satellite Blvd., Bldg. 500, Duluth, GA 30096–4640.	IVOMEC Plus (ivermectin and clorsulon) Injection for Cattle.	Supplemental approval reducing the preslaughter withdrawal period from 49 days to 21 days.	522.1193 ..... 556.344	yes	CE.[1,2]
141–043	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	SYNOVEX CHOICE (trenbolone and estradiol implant).	Supplemental approval for increased rate of weight gain and improved feed efficiency in heifers fed in confinement for slaughter.	522.2478	yes	EA/FONSI.[3]
141–342	Jurox Pty. Ltd., 85 Gardiner Rd., Rutherford, NSW 2320, Australia.	ALFAXAN (alfaxalone) Injectable Anesthetic for Dogs and Cats.	Supplemental approval adding a label statement that alfaxalone is a Class IV controlled substance.	522.52	no	CE.[1,4]

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAs AND ANADAs APPROVED DURING AUGUST 2014—Continued

NADA/ ANADA	Sponsor	New animal drug product name	Action	21 CFR Sections	FOIA Summary	NEPA Review
141–348	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	SYNOVEX ONE FEEDLOT (trenbolone and estradiol extended release implant). SYNOVEX ONE GRASS (trenbolone and estradiol extended release implant).	Original approval for increased rate of weight gain and improved feed efficiency for up to 200 days in steers and heifers fed in confinement for slaughter. Original approval for increased rate of weight gain for up to 200 days in pasture steers and heifers (slaughter, stocker, and feeder).	522.2478	yes	EA/FONSI.[13]
200–455[5]	Cross Vetpharm Group Ltd. Broomhill Rd., Tallaght,. Dublin 24, Ireland	TYLOMED–WS (tylosin tartrate) Soluble Powder.	Supplemental approval of a change to veterinary prescription (Rx) marketing status to conform with reference (pioneer) product.	520.2640	no	CE.[16]

[1] The Agency has determined under 21 CFR 25.33 that this action is categorically excluded (CE) from the requirement to submit an environmental assessment or an environmental impact statement because it is of a type that does not individually or cumulatively have a significant effect on the human environment.
[2] CE granted under 21 CFR 25.33(a).
[3] The Agency has carefully considered an environmental assessment (EA) of the potential environmental impact of this action and has made a finding of no significant impact (FONSI).
[4] CE granted under 21 CFR 25.33(d)(1).
[5] This application was listed as being affected by guidance for industry (GFI) #213, "New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food-Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209", December 2013.
[6] CE granted under 21 CFR 25.33(a)(1).

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, and 524

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, 524, and 556 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entries for "Macleod Pharmaceuticals, Inc." and "Hess & Clark, Inc." and alphabetically add an entry for "Neogen Corp."; and in the table in paragraph (c)(2), remove the entries for "058711" and "050749" and numerically add an entry for "059051" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Neogen Corp., 944 Nandino Blvd., Lexington, KY 40511	059051
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
059051	Neogen Corp., 944 Nandino Blvd., Lexington, KY 40511

Drug labeler code	Firm name and address
*	* * * * * *

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.2613 [Amended]

■ 4. In paragraph (b) of § 520.2613, remove "058711" and in its place add "059051".

■ 5. In § 520.2640, revise paragraphs (b), (d), and (e)(2)(ii) to read as follows:

§ 520.2640 Tylosin.

* * * * *

(b) *Sponsors*—(1) No. 000986 for use as in paragraph (e) of this section.

(2) Nos. 016592 and 061623 for use as in paragraphs (e)(1)(i)(A), (e)(1)(ii), (e)(2), (e)(3), and (e)(4) of this section.

* * * * *

(d) *Special considerations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(e) * * *

(2) * * *

(ii) *Indications for use.* For the reduction in severity of effects of infectious sinusitis associated with *Mycoplasma gallisepticum.*

* * * * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 6. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 7. In § 522.52, in paragraph (c)(3), add a second sentence to read as follows:

§ 522.52 Alfaxalone.

* * * * *

(c) * * *

(3) * * * Alfaxalone is a Class IV controlled substance.

■ 8. In § 522.690, revise paragraph (d)(1)(iii) to read as follows:

§ 522.690 Dinoprost.

* * * * *

(d) * * *

(1) * * *

(iii) *Limitations.* Do not use in horses intended for human consumption.

* * * * *

■ 9. In § 522.1193, revise paragraph (e)(3) to read as follows:

§ 522.1193 Ivermectin and clorsulon.

* * * * *

(e) * * *

(3) *Limitations.* For No. 050604: Do not treat cattle within 21 days of slaughter. For Nos. 055529 and 058005: Do not treat cattle within 49 days of slaughter. Because a withdrawal time in milk has not been established, do not use in female dairy cattle of breeding age. A withdrawal period has not been established for preruminating calves. Do not use in calves to be processed for veal.

■ 10. In § 522.2478, revise paragraphs (a), (d)(1)(i) introductory text, (d)(1)(ii) introductory text, and (d)(2); and add paragraphs (d)(1)(iii) and (d)(3) to read as follows:

§ 522.2478 Trenbolone acetate and estradiol benzoate.

(a) *Specifications*—(1) Each implant consists of:

(i) 8 pellets, each pellet containing 25 milligrams (mg) trenbolone acetate and 3.5 mg estradiol benzoate.

(ii) 4 pellets, each pellet containing 25 mg trenbolone acetate and 3.5 mg estradiol benzoate.

(2) Each extended release implant consists of:

(i) 8 pellets with a porous polymer film coating, each pellet containing 25 mg trenbolone acetate and 3.5 mg estradiol benzoate.

(ii) 6 pellets with a porous polymer film coating, each pellet containing 25 mg trenbolone acetate and 3.5 mg estradiol benzoate.

* * * * *

(d) * * *

(1) * * *

(i) For an implant as described in paragraph (a)(1)(i) of this section:

* * * * *

(ii) For an implant as described in paragraph (a)(1)(ii) of this section:

* * * * *

(iii) For an implant as described in paragraph (a)(2)(i) of this section:

(A) *Amount.* 200 mg trenbolone acetate and 28 mg estradiol benzoate in an extended release implant.

(B) *Indications for use.* For increased rate of weight gain and improved feed efficiency for up to 200 days.

(C) *Limitations.* Implant subcutaneously in ear only. Safety and effectiveness have not been established in veal calves. A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal.

(2) *Heifers fed in confinement for slaughter*—(i) For an implant as described in paragraph (a)(1)(i) of this section:

(A) *Amount.* 200 mg trenbolone acetate and 28 mg estradiol benzoate.

(B) *Indications for use.* For increased rate of weight gain.

(C) *Limitations.* Implant subcutaneously in ear only. Not for use in dairy or beef replacement heifers. Safety and effectiveness have not been established in veal calves. A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal.

(ii) For an implant as described in paragraph (a)(1)(ii) of this section:

(A) *Amount.* 100 mg trenbolone acetate and 14 mg estradiol benzoate.

(B) *Indications for use.* For increased rate of weight gain and improved feed efficiency.

(C) *Limitations.* Implant subcutaneously in ear only. Not for use in dairy or beef replacement heifers. Safety and effectiveness have not been established in veal calves. A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal.

(iii) For an implant as described in paragraph (a)(2)(i) of this section:

(A) *Amount.* 200 mg trenbolone acetate and 28 mg estradiol benzoate in an extended release implant.

(B) *Indications for use.* For increased rate of weight gain and improved feed efficiency for up to 200 days.

(C) *Limitations.* Implant subcutaneously in ear only. Not for use in dairy or beef replacement heifers. Safety and effectiveness have not been established in veal calves. A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal.

(3) *Pasture steers and heifers (slaughter, stocker, and feeder)*—(i) For an implant as described in paragraph (a)(2)(ii) of this section:

(A) *Amount.* 150 mg trenbolone acetate and 21 mg estradiol benzoate in an extended release implant.

(B) *Indications for use.* For increased rate of weight gain for up to 200 days.

(C) *Limitations.* Implant subcutaneously in ear only. Not for use in dairy or beef replacement heifers.

Safety and effectiveness have not been established in veal calves. A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal.

(ii) [Reserved]

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 11. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1580a [Amended]

■ 12. In paragraph (b)(1) of § 524.1580a, remove "Nos. 050749, 054628, 054925, 058005, and 061623" and add in its place "Nos. 054628, 054925, 058005, 059051, and 061623".

§ 524.1580b [Amended]

■ 13. In paragraph (b) of § 524.1580b, remove "No. 054628" and in its place add "Nos. 054628 and 059051".

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

■ 14. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

■ 15. In § 556.344, revise paragraphs (a), (b)(1)(i), and (b)(2)(ii); and add paragraph (c) to read as follows:

§ 556.344 Ivermectin.

(a) *Acceptable Daily Intake (ADI).* The ADI for total residues of ivermectin is 5 micrograms per kilogram of body weight per day.

(b) * * *

(1) * * *

(i) *Cattle.* 1.6 parts per million.

(2) * * *

(ii) *Cattle.* 650 parts per billion.

(c) *Related conditions of use.* See §§ 520.1192, 520.1195, 520.1197, 522.1192, 522.1193, 524.1193, and 558.300 of this chapter.

Dated: *October 23, 2014.*

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2014–25588 Filed 10–27–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0747]

RIN 1625–AA00

Safety Zone; Allegheny River; Mile 45.7; Kittanning, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Allegheny River at mile 45.7. This safety zone is needed to protect vessels transiting the area and event spectators from the hazards associated with a barge-based fireworks display. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Pittsburgh or a designated representative.

DATES: This rule is effective from 8:30 p.m. until 10:00 p.m. on November 21, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0747. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412–644–5808, email *Jennifer.L.Haggins@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not using the NPRM process. Upon receiving notice of this display and after full review of the event information and location, the Coast Guard determined that a safety zone is necessary. Delaying this rule by completing the full NPRM process would unnecessarily delay the safety zone and be contrary to public interest because the safety zone is needed to protect transiting vessels, spectators, and the personnel involved in the display from the hazards associated with fireworks displays taking place over the waterway. Completing the full NPRM process could also unnecessarily delay the locally advertised and planned event and possibly interfere with contractual obligations.

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

B. Basis and Purpose

On November 21, 2014, as a part of Light Up Night, Downtown Kittanning Inc. will sponsor a barge-based fireworks display. The display will take place in the vicinity of mile 45.7 on the Allegheny River. This event presents safety hazards for spectators and vessels navigating in the area, and therefore a safety zone is needed to protect persons and property from the hazards associated with a fireworks display over the waterway.

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; 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.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone for all waters of the Allegheny River, mile 45.7, extending the entire width of the river. Entry into this zone is prohibited to all vessels and

persons except persons and vessels specifically authorized by the COTP Pittsburgh. This rule is effective on November 21, 2014 and will be enforced from 8:30 p.m. until 10:00 p.m.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). This rule is limited in scope and will be in effect for a limited time period. Notifications to the marine community will be made through local notice to mariners and broadcast notice to mariners. Deviation from the rule may be requested and will be considered on a case-by-case basis by the COTP or a designated representative. The impacts on routine navigation are expected to be minimal.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the Allegheny River, mile 45.7 from 8:30 p.m. until 10:00 p.m. on November 21, 2014. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule is limited in scope and will be in effect for a limited time period. Additionally, notifications to the marine community will be made through BNMs, LNMs, and contacting local industry that could be operating in the area during the event so that they may plan around the scheduled event. Deviation from the rule may be requested and will be considered on a case-by-case basis by the COTP Pittsburgh or a designated representative.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a safety zone for waters of the Allegheny River, from mile 45.7. This rule is categorically excluded from further review under paragraph 34(g) of figure 2–1 of the Commandant Instruction an environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, 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.T08–0747 is added to read as follows:

§ 165.T08–0747 Safety Zone; Allegheny River, Mile 45.7, Kittanning, PA.

(a) *Location.* The following area is a safety zone: All waters of the Allegheny River, mile 45.7, extending the entire width of the waterway.

(b) *Effective date.* This rule is effective, and will be enforced through actual notice, from 8:30 p.m. until 10:00 p.m. on November 21, 2014.

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

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the COTP Pittsburgh or a designated representative. The COTP Pittsburgh representative may be contacted at 412–644–5808.

(3) All persons and vessels shall comply with the instructions of the COTP Pittsburgh or their designated representative. Designated COTP representatives include United States Coast Guard commissioned, warrant, and petty officers.

(d) *Information broadcasts.* The COTP Pittsburgh or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone as well as any changes in the planned schedule.

Dated: September 30, 2014.

L.N. Weaver,

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

[FR Doc. 2014–25615 Filed 10–27–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0385; FRL–9917–92–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio $PM_{2.5}$ NSR

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving, under the Clean Air Act (CAA), revisions to Ohio's state implementation plan (SIP) as requested by the Ohio Environmental Protection Agency (OEPA) to EPA on June 19, 2014. The revisions to Ohio's SIP implement certain EPA regulations for particulate matter smaller than 2.5 micrometers ($PM_{2.5}$) by establishing definitions related to $PM_{2.5}$, defining $PM_{2.5}$ increment levels, and setting $PM_{2.5}$ class 1 variances. The revisions also incorporate changes made to definitions and regulations that recognize nitrogen oxides (NO_X) as an ozone precursor, revising and adding definitions, adding Federal land manager notification requirements, and incorporating minor organizational or typographical changes.

DATES: This direct final rule will be effective December 29, 2014, unless EPA receives adverse comments by November 28, 2014. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2014–0385, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-Mail: damico.genevieve@epa.gov.*
3. *Fax:* (312) 385–5501.
4. *Mail:* Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2014–0385. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of

encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charmagne Ackerman, Environmental Engineer, at (312) 886–0448 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Charmagne Ackerman, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0448, *ackerman.charmagne@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. Background

On June 19, 2014, OEPA submitted revisions to chapters in the Ohio Administrative Code (OAC) 3745–31. Revisions were made to the following chapters: 3745–31–01 through 3745–31–04, OAC 3745–31–06 through 3745–31–23, 3745–31–25, 3745–31–26, 3745–31–29 and 3745–31–32. The changes made were to implement the $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS), $PM_{2.5}$ New Source Review (NSR) program and regulations related to NO_X as a precursor to ozone; include definitions for "$PM_{2.5}$," "$PM_{2.5}$ direct emissions," "$PM_{2.5}$ emissions," "$PM_{2.5}$ precursor," "emergency," "emergency engine," "permanent," "publicly owned treatment works," "quantifiable," "semi-public disposal system," and "surplus"; include Federal land manager notification requirements; clarification of nonattainment provisions; and minor clarification and organizational revisions. OEPA has requested that we not take action on OAC 3745–31–01(SSS)(1)(b) for the definition of "modify"; OAC 3745–31–13(H)(1)(c) for the $PM_{2.5}$ exemption to pre-application ambient monitoring; and 3745–31–16(C) for $PM_{2.5}$ significant impact levels.

II. What action is EPA taking?

EPA is partially approving the SIP revision submittal. These revisions were made to comply with regulations enacted to address the $PM_{2.5}$ NAAQS and also to include NO_X as a precursor to ozone. These revisions implement the NSR and prevention of significant deterioration (PSD) program, as required by EPA's regulations.

EPA is approving the following rules: OAC 3745–31–01(P); OAC 3745–31–01(LLL); OAC 3745–31–01(MMM); OAC 3745–31–01(NNN); OAC 3745–31–01(QQQ); OAC 3745–31–01(TTTT); OAC 3745–31–01(UUUU); OAC 3745–31–01(VVVV); OAC 3745–31–01(WWWW); OAC 3745–31–01(NNNNN); OAC 3745–31–01(VVVVV); OAC 3745–31–11(B); OAC 3745–31–13; and 3745–31–16. EPA is not taking action at this time on the remaining submitted rules and will do so in a subsequent rulemaking action.

A. $PM_{2.5}$-Related Actions

On April 25, 2007, EPA published the "Clean Air Fine Particle Implementation Rule" (72 FR 20586) as a final rule in the **Federal Register.** This 2007 action provides rules and guidance for the CAA requirements for SIPs to implement the 1997 fine particle NAAQS. As part of this rulemaking, EPA promulgated 40 CFR part 51, subpart Z "Provisions for Implementation of $PM_{2.5}$ National Ambient Air Quality Standards". 40 CFR part 51, subpart Z outlines the requirements that a state SIP must meet to implement and comply with the $PM_{2.5}$ NAAQS. The final rule became effective on May 29, 2007.

On May 16, 2008, EPA published the "Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)" (73 FR 28321) as a final rule in the **Federal Register.** These 2008 regulations establish the $PM_{2.5}$ NSR program. The $PM_{2.5}$ NSR program includes provisions establishing the $PM_{2.5}$ major source threshold, significant emissions rate, and applicability of NSR to $PM_{2.5}$ precursors. This final rule became effective on July 15, 2008.

OEPA has submitted the following definitions to be added to OAC 3745–31–01: "$PM_{2.5}$" at 3745–31–01(TTTT); "$PM_{2.5}$ direct emissions" at 3745–31–01(UUUU); "$PM_{2.5}$ emissions" at 3745–31–01(VVVV); and "$PM_{2.5}$ precursor" at 3745–31–01(WWWW). The definition of "baseline area" at 3745–31–01(P) was revised to explicitly identify pollutant air quality impacts that would define a baseline area where a minor source baseline date is already established. The definition of "major source baseline date" at 3745–31–01(MMM) adds October 20, 2010, as the major source baseline date for $PM_{2.5}$. Ohio's revision of "minor source baseline date" at 3745–31–01(QQQ) establishes October 20, 2011, as the trigger date for $PM_{2.5}$.

OEPA has revised the definitions of "significant" at 3745–31–01(VVVVV)(1) to add significant emission rates for direct $PM_{2.5}$ and for sulfur dioxide SO_2 and NO_X as $PM_{2.5}$ precursors.

OEPA revised 3745–31–01(NNNNN)(2) to include SO_2 and NO_X as precursors to $PM_{2.5}$ in all attainment areas.

OEPA has revised the definition of "regulated NSR pollutant" at 3745–31–01(NNNNN)(1)(d), and (NNNNN)(2)(a)(ii), to include condensable $PM_{2.5}$ and PM_{10} into the nonattainment NSR and PSD programs. The 2008 NSR Rule did not require states to immediately account for gases that could condense to form particulate matter, known as condensables, in $PM_{2.5}$ and PM_{10} emission limits in NSR permits. Instead, EPA determined that states had to account for $PM_{2.5}$ and PM_{10} condensables for applicability determinations and in establishing emissions limitations for $PM_{2.5}$ and PM_{10} in PSD and nonattainment NSR permits beginning on or after January 1, 2011. These requirements are codified at 40 CFR 51.166(b)(49)(i)(*a*) and 40 CFR 52.21(b)(50)(i)(*a*).

EPA has determined that the revised rules comply with the revisions to the Federal definitions and provisions pertaining to $PM_{2.5}$ found at 40 CFR 51.100, 51.165, and 51.166.

OEPA's revision to 3745–31–11(B) establishes increments for $PM_{2.5}$. On October 20, 2010, EPA issued the final rule on the "Prevention of Significant Deterioration for Particulate Matter Less than 2.5 Micrometers—Increments, Significant Impact Levels and Significant Monitoring Concentration." This rule established several provisions for making PSD permitting determinations for $PM_{2.5}$, including a system of "increments" which is the mechanism used to estimate significant deterioration of ambient air quality for a pollutant. OEPA's revisions are consistent with 40 CFR 51.166(c) and 40 CFR 52.21(c).

B. Ozone-Related Actions

On November 29, 2005, EPA published the "Final Rule to Implement

the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2" (70 FR 71612). Among other requirements, this rule required regulation of NO_X as a precursor to ozone in NSR permitting. The final rule became effective on January 30, 2006.

OEPA has revised the definitions for "major modification" at 3745–31–01(LLL)(2), "major stationary source" at 3745–31–01(NNN)(3), "regulated NSR pollutant" at 3745–31–01(NNNNN) and "significant" at 3745–31–01(VVVVV) to include NO_X as a precursor to ozone. The revisions are consistent with 40 CFR 51.166.

OEPA did not include "or NO_X" to the exemptions to pre-application ambient monitoring in the attainment provisions found in paragraph (H)(1)(f) of OAC 3745–31–13. It is not consistent with 40 CFR 51.166 (i)(5)(i)(f) footnote 1. However, OEPA submitted a letter to EPA on June 30, 2014, clarifying that the omission of "or NO_X" was not intended and that OEPA has identified NO_X as a precursor to ozone in all other required rule provisions. OEPA also explains that because a major stationary source is required to do source impact analysis, and NO_X has been identified as a precursor to ozone in its revised rules, including the definitions of major stationary source, major modification, and significant noted above, Paragraph (B) of OAC 3745–31–16 requires the same impact analysis as specified in the CFR for ozone and also requires pre-application ambient monitoring of VOC and NO_X. EPA agrees with the analysis in OEPA's letter and does not believe that an applicability or source impact analysis gap would occur as a result of the state's omission of "or NO_X" at OAC 3745–31–13(H)(1)(f). Therefore, the provisions that are being approved by EPA in this rulemaking represent a strengthening of the currently-approved Ohio SIP, specifically with respect to the explicit identification of NO_X as a precursor to ozone.

C. Nonattainment NSR-Related Actions

OEPA revised 3745–31–01(NNNNN) to include SO_2 and NO_X as precursors to $PM_{2.5}$ in all attainment and nonattainment areas. On January 4, 2013, the U.S. Court of Appeals for the District of Columbia Circuit, in *Natural Resources Defense Council* v. *EPA*[1] issued a decision that remanded the EPA's 2007 and 2008 rules implementing the 1997 $PM_{2.5}$ NAAQS. Relevant here, the 2008 NSR Rule promulgated NSR requirements for implementation of $PM_{2.5}$ in both nonattainment areas and attainment/unclassifiable areas. The Court found that EPA erred in implementing the $PM_{2.5}$ NAAQS in these rules solely pursuant to the general implementation provisions of subpart 1 of part D of title I of the CAA, rather than pursuant to the additional implementation provisions specific to particulate matter nonattainment areas in subpart 4. The Court ordered the EPA to "repromulgate these rules pursuant to Subpart 4 consistent with this opinion." *Id.* at 437.

On April 25, 2014, the Administrator signed a final rulemaking that begins to address the remand (*see http://www.epa.gov/airquality/particlepollution/actions.html*). Upon its effective date, the final rule classified all existing $PM_{2.5}$ nonattainment areas as "Moderate" nonattainment areas and set a deadline of December 31, 2014, for states to submit any SIP submissions, including nonattainment NSR SIPs, that may be necessary to satisfy the requirements of subpart 4, part D, title I of the CAA with respect to $PM_{2.5}$ nonattainment areas.

In a separate rulemaking process that will follow the April 2014 rule, EPA is evaluating the requirements of subpart 4 as they pertain to nonattainment NSR for $PM_{2.5}$ emissions. In particular, subpart 4 includes section 189(e) of the CAA, which requires the control of major stationary sources of PM_{10} precursors "except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the standard in the area." Under the court's decision in *NRDC*, section 189(e) of the CAA also applies to $PM_{2.5}$.

OEPA's revisions to the definition of "regulated NSR pollutant" identify SO_2 and NO_X as regulated $PM_{2.5}$ precursors. While VOCs and ammonia are not regulated $PM_{2.5}$ precursors in $PM_{2.5}$ nonattainment areas in the state, the revisions to the definition of "significant" add emission rates considered significant for direct $PM_{2.5}$ and for SO_2 and NO_X as $PM_{2.5}$ precursors. These revisions, although consistent with the 2008 NSR Rule as developed consistent with subpart 1 of the CAA, may not contain the elements necessary to satisfy the CAA requirements when evaluated under the subpart 4 statutory requirements. In particular, Ohio's submission does not include regulation of VOCs and ammonia as $PM_{2.5}$ precursors, nor does it include a demonstration consistent with section 189(e) showing that major sources of those precursor pollutants would not contribute significantly to $PM_{2.5}$ levels exceeding the standard in the area. For these reasons, EPA cannot conclude at this time that this part of Ohio's nonattainment NSR submission satisfies all of the requirements of subpart 4 as they pertain to $PM_{2.5}$ nonattainment NSR permitting.

Although the revisions to Ohio's nonattainment NSR rule may not contain all of the necessary elements to satisfy the CAA requirements when evaluated under the subpart 4 provisions, the revisions themselves represent a strengthening of the currently-approved Ohio SIP which does not address $PM_{2.5}$ at all. As a result of the April 25, 2014, final rule, OEPA will have until December 31, 2014, to make any additional submission necessary to address the requirements of subpart 4, including addressing the $PM_{2.5}$ precursors of VOC and ammonia. For these reasons, EPA is approving the nonattainment NSR revisions at 3745–31–01(NNNNN)(1)(c) and 3745–31–01(VVVVV)(1) without listing the absence of either the regulation or evaluation of VOCs and ammonia as $PM_{2.5}$ precursors as a deficiency at this time.

D. Organizational and Typographical Changes

OEPA also made organizational changes to lettering or numbering of paragraphs as well as corrections to typographical errors. EPA is approving these revisions as they do not change the meaning of the existing language.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective December 29, 2014 without further notice unless we receive relevant adverse written comments by November 28, 2014. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any

[1] 706 F.3d 428 (D.C. Cir. 2013).

comments, this action will be effective December 29, 2014.

III. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 29, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: October 6, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.1870 is amended by adding paragraph (c)(161) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(161) On June 19, 2014, the Ohio Environmental Protection Agency submitted several $PM_{2.5}$ rules for approval into the Ohio State Implementation Plan (SIP). The changes to the SIP include establishing definitions related to particulate matter smaller than 2.5 micrometers ($PM_{2.5}$), defining $PM_{2.5}$ increment levels, and setting $PM_{2.5}$ class 1 variances. The revisions also incorporate changes made to definitions and regulations that recognize nitrogen oxides (NO_X) as an ozone precursor, and incorporating minor organizational or typographical changes.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–31–01, "Definitions", paragraphs (P), (LLL), (MMM), (NNN), (QQQ), (TTTT), (UUUU), (VVVV), (WWWW), (NNNNN), and (VVVVV), effective May 29, 2014.

(B) Ohio Administrative Code 3745–31–11, "Attainment provisions—ambient air increments, ceilings and classifications", paragraph (B) "Allowable increments", effective May 29, 2014.

(C) Ohio Administrative Code 3745–31–13, "Attainment provisions—review of major stationary sources and major modifications, stationary source applicability and exemptions", effective May 29, 2014.

(D) Ohio Administrative Code 3745–31–16, "Attainment provisions—major stationary source impact analysis", effective May 29, 2014.

(E) May 19, 2014, "Director's Final Findings and Orders", signed by Craig W. Butler, Director, Ohio Environmental Protection Agency.

[FR Doc. 2014–25482 Filed 10–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2013–0694; FRL–9917–96–Region 2]

Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendments.

SUMMARY: The Environmental Protection Agency (EPA) published a final rule in the **Federal Register** on Monday, June 2, 2014, updating regulations for the 1997 and 2006 $PM_{2.5}$ NAAQS nonattainment areas. Errors in the tables for the New York 1997 Annual $PM_{2.5}$ NAAQS and the New York 2006 24-hour $PM_{2.5}$ NAAQS are identified and corrected in this action.

DATES: This final rule is effective on October 28, 2014.

FOR FURTHER INFORMATION CONTACT: Kenneth Fradkin (*Fradkin.kenneth@epa.gov*), Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3702.

SUPPLEMENTARY INFORMATION: EPA published a final rule document on June 2, 2014 (79 FR 31566) updating 40 CFR part 81, "Designation of Areas for Air Quality Planning Purposes" for the 1997 and 2006 $PM_{2.5}$ NAAQS nonattainment areas. This final rule included revisions to 40 CFR 81.333 to remove the tables titled "New York-$PM_{2.5}$ (Annual NAAQS)" and "New York-$PM_{2.5}$ (24-hour NAAQS)" and to add three tables titled "New York-1997 Annual $PM_{2.5}$ NAAQS (Primary and Secondary)" and "New York-1997 24-hour $PM_{2.5}$ NAAQS (Primary and Secondary)" and "New York-2006 24-hour $PM_{2.5}$ NAAQS (Primary and Secondary)". The entries for the New York-N. New Jersey-Long Island, NY–NJ–CT designated area in the New York-1997 Annual $PM_{2.5}$ NAAQS table, and the New York-2006 24-hour $PM_{2.5}$ NAAQS table erroneously indicated that the areas were designated as nonattainment when, in fact, the areas had been redesignated to attainment status on April 18, 2014. 79 FR 21857. The entries for the New York-N. New Jersey-Long Island, NY–NJ–CT, designated area for Bronx County, Kings County, Nassau County, New York County, Orange County, Queens County, Richmond County, Rockland County, Suffolk County, and Westchester County should be listed with a designation date "4/18/14" and designation type of "Attainment." The classification date and type should be blank.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National Parks, Wilderness areas.

Dated: October 20, 2014.

Judith A. Enck,

Regional Administrator, Region 2.

40 CFR part 81 is corrected by making the following correcting amendments:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. Section 81.333 is amended by:

■ a. Amending the table entitled "New York—1997 Annual $PM_{2.5}$ NAAQS (Primary and secondary)" by:

■ i. Removing from under the column entitled "Classification" the word "Date [1]" and adding "Date" in its place;

■ ii. Revising the entries under "New York-N. New Jersey-Long Island, NY–NJ–CT"; and

■ iii. Removing "Footnote 2" after "Footnote 1" after the table.

■ b. Amending the table entitled "New York—2006 24–HOUR $PM_{2.5}$ NAAQS (Primary and secondary)" by:

■ i. Removing from under the column entitled "Classification" the text "Date [2]" and adding "Date" in its place;

■ ii. Revising the entries under "New York-N. New Jersey-Long Island, NY–NJ–CT"; and

■ iii. Removing "Footnote 2" after "Footnote 1" after the table.

The revisions read as follows:

§ 81.333 New York.

* * * * *

NEW YORK—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date	Type
New York-N. New Jersey-Long Island, NY–NJ–CT:				
Bronx County	4/18/14	Attainment.		
Kings County	4/18/14	Attainment.		
Nassau County	4/18/14	Attainment.		
New York County	4/18/14	Attainment.		
Orange County	4/18/14	Attainment.		
Queens County	4/18/14	Attainment.		
Richmond County	4/18/14	Attainment.		
Rockland County	4/18/14	Attainment.		
Suffolk County	4/18/14	Attainment.		
Westchester County	4/18/14	Attainment.		
*	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.

* * * * *

NEW YORK—2006 24-HOUR $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date	Type
New York-N. New Jersey-Long Island, NY–NJ–CT:				
Bronx County	4/18/14	Attainment.		
Kings County	4/18/14	Attainment.		
Nassau County	4/18/14	Attainment.		
New York County	4/18/14	Attainment.		
Orange County	4/18/14	Attainment.		
Queens County	4/18/14	Attainment.		
Richmond County	4/18/14	Attainment.		
Rockland County	4/18/14	Attainment.		
Suffolk County	4/18/14	Attainment.		
Westchester County	4/18/14	Attainment.		
* * * * * * *				

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 30 days after November 13, 2009, unless otherwise noted.

* * * * *

[FR Doc. 2014–25595 Filed 10–27–14; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket Nos. 14–50, 09–182, 07–294, and 04–256; FCC 14–28]

2014 Quadrennial Regulatory Review

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (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,* 2014 Quadrennial Regulatory Review, FCC 14–28. This notice is consistent with the *Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

DATES: 47 CFR 73.3613, published at 79 FR 28996, May 20, 2014, is effective October 28, 2014.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on October 17, 2014, OMB approved the information collection requirements contained in the Commission's *Report and Order,* FCC 14–28, published at 79 FR 28996, May 20, 2014. The OMB Control Number is 3060–0185. The Commission publishes this notice as an announcement of the effective date of the requirements. 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, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–0185, 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 October 17, 2017, for the new information collection requirements contained in the Commission's rules at 47 CFR 73.3613.

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 Number is 3060–0185.

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: 3060–0185.

Title: Section 73.3613, Filing of Contracts.

OMB Approval Date: October 17, 2014.

OMB Expiration Date: October 31, 2017.

Form Number: N/A.

Respondents: Business or other for profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 2,400 respondents and 2,400 responses.

Estimated Time per Response: 0.25 to 0.5 hours.

Frequency of Response: On occasion reporting requirement; Recordkeeping requirement; Third party disclosure requirement.

Total Annual Burden: 975 hours.

Total Annual Costs: $135,000.

Privacy Act Impact Assessment: No impact(s).

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Section 154(i) and 303 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: On April 15, 2014, the Commission released a Report and Order (published at 79 FR 28996 on May 20, 2014, FCC 14–28) that adopted changes to 47 CFR 73.3613(d)(2) and the FCC's attribution rules. Specifically, certain television joint sales agreements (JSAs) are now attributable under the

Commission's attribution rules. As a result, television stations will now be required to file JSAs that result in attribution under the Commission's multiple ownership rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–25555 Filed 10–27–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 14–1479]

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division amends the FM Table of Allotments to remove certain vacant FM allotments that were auctioned in FM Auction 93 that are currently considered authorized stations. FM assignments for authorized stations and reserved facilities will be reflected solely in Media Bureau's Consolidated Database System (CDBS).

DATES: Effective October 28, 2014.

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

SUPPLEMENTARY INFORMATION: This is a summary of the *Report and Order,* DA 14–1479, adopted October 9, 2014, and released October 10, 2014. The full text of this document is available for inspection and copying during normal business hours in the Commission's Reference Center 445 12th Street SW., Washington, DC 20554. The complete text of this document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC, 20054, telephone 1–800–378–3160 or *www.BCPIWEB.com.* The Commission will not send a copy of this *Report and Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability. This document does not contain 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).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistan 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 BROADCASTING 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. Amend § 73.202(b), the Table of FM Allotments, as follows:

■ a. Remove Rockford, under Alabama, Channel 286A.

■ b. Remove Fairbanks, under Alaska, Channel 224C2 and Channel 232C2.

■ c. Remove Ash Fork, under Arizona, Channel 259A.

■ d. Remove Altheimer, under Arkansas, Channel 251C3; Pine Bluff, Channel 257A and Channel 267C3; and Strong, Channel 296C3.

■ e. Remove Blythe, under California, Channel 247B; Cloverdale, Channel 274A; Desert Center, Channel 288A; Ridgecrest, Channel 229A; Willows, Channel 292A.

■ f. Remove Dinosaur, under Colorado, Channel 262C0; Fruita, Channel 268C3; Gunnison, Channel 265C2; Hotchkiss, Channel 258C3; and Walden, Channel 226C3.

■ g. Remove Sugarloaf Key, under Florida, Channel 289A.

■ h. Remove Milner, under Georgia, Channel 290A; Morgan, Channel 228A; and Ty Ty, Channel 249A.

■ i. Remove Dubois, under Idaho, Channel 243A.

■ j. Remove Augusta, under Illinois, Channel 253A.

■ k. Remove Culver, under Indiana, Channel 252A.

■ l. Remove Sanborn, under Iowa, Channel 264A.

■ m. Remove Phillipsburg, under Kansas, Channel 237A.

■ n. Remove Bordelonville, under Louisiana, Channel 280A; Cameron, Channel 296C3; Colfax, Channel 267A; Franklin, Channel 295C3; Homer, Channel 272A; and New Llano, Channel 252C3.

■ o. Remove Alpena, under Michigan, Channel 289A; Fife Lake, Channel 240C2; and Onekama, Channel 227A.

■ p. Remove Calhoun City, under Mississippi, Channel 272A.

■ q. Remove Deerfield, under Missouri, Channel 264C3.

■ r. Remove Battle Mountain, under Nevada, Channel 253A; and Fernley, Channel 231C3.

■ s. Remove Carrizozo, under New Mexico, Channel 261C2 and Las Vegas; Channel 296A; and Tularosa, Channel 274C3.

■ t. Remove Medina, under North Dakota, Channel 222C; Sarles, Channel 290C1; Tioga, Channel 281C1; and Williston, Channel 253C1.

■ u. Remove Ashtabula, under Ohio, Channel 241A and Cridersville, Channel 257A.

■ v. Remove Alva, under Oklahoma, Channel 289C2; Broken Bow, Channel 285A; Cheyenne, Channel 247C3; Covington, Channel 290A; Pittsburg, Channel 232A; Red Oak, Channel 227A; and Tishomingo, Channel 259C3.

■ w. Remove Grants Pass, under Oregon, Channel 257A; Keno, Channel 253A; Malin, Channel 263A; and Terrebonne, Channel 293C2.

■ x. Remove Sheffield, under Pennsylvania, Channel 286A.

■ y. Remove Mission, under South Dakota, Channel 264A and Murdo, Channel 283A.

■ z. Remove Byrdstown, under Tennessee, Channel 255A.

■ aa. Remove Buffalo, under Texas, Channel 278A; Eldorado, Channel 258C1; Giddings, Channel 240A; Hamlin, Channel 283C2; Kingsland, Channel 284A; Mullin, Channel 224C3; and Channel 288C3 at Santa Anna.

■ bb. Remove Fountain Green, under Utah, Channel 260A; Manila, Channel 228A; and Mona, Channel 225A.

■ cc. Remove Canaan, under Vermont, Channel 231C3 and Poultney, Channel 223A.

■ dd. Remove Iron Gate, under Virginia, Channel 270A.

■ ee. Remove Goldendale, under Washington, Channel 240A and Port Angeles, Channel 271A.

■ ff. Remove White Sulphur Springs, under West Virginia, Channel 227A.

■ gg. Remove Rhinelander, under Wisconsin, Channel 243C3.

■ hh. Remove Byron, under Wyoming, Channel 221C; and Centennial, Channel 248A.

[FR Doc. 2014–25645 Filed 10–27–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 96–86; FCC 00–348 and FCC 01–10]

Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission (Commission) announces that a certain rule adopted in its Public Safety 700 MHz Narrowband proceeding (WT Docket No. 96–86; FCC 00–348 and FCC 01–10) between 2000 and 2001, to the extent it contained an information collection requirement that required approval by the Office of Management and Budget (OMB) was approved, and became effective August 21, 2014, following approval by OMB.

DATES: The information collections in 47 CFR 90.525, 90.529, 90.531 published at 65 FR 66644, November 7, 2000 and 66 FR 10632, February 16, 2001, are effective October 28, 2014.

FOR FURTHER INFORMATION CONTACT: John Evanoff, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–0848, or email: *john.evanoff@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on August 21, 2014, OMB approved, for a period of three years, the information collection requirements relating to licensing 700 MHz Public Safety Narrowband channels contained in the Commission's *Third Memorandum Opinion and Order,* FCC 00–348, published at 65 FR 66644, November 7, 2000 (*re* 47 CFR 90.529 and 90.531) and *Fourth Report and Order,* FCC 01–10, published at 66 FR 10632, February 16, 2001 (*re* 47 CFR 90.525). The OMB Control Number is 3060–1198. The Commission publishes this notice as an announcement of the effective date of the rules. 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 Benish Shah, Federal Communications Commission, Room 1–A866, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1198, 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 final OMB approval on August 21, 2014, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 90. 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 Number is 3060–1198. 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: 3060–1198.

OMB Approval Date: August 21, 2014.

OMB Expiration Date: August 31, 2017.

Title: Administration of Interoperability Channels, State License, and Band Plan (47 CFR 90.525, 90.529, and 90.531).

Form Number: N/A. *Respondents:* State, local or tribal government, regional planning committees, and non-governmental entities.

Number of Respondents and Responses: 2155 respondents; 2155 responses.

Estimated Time per Response: 1 hour (range of 1 hour to 2 hours).

Frequency of Response: On occasion reporting and one-time reporting requirements; third party disclosure.

Obligation to Respond: Required to obtain or retain benefits (47 CFR 90.525, 90.529, 90.531).

Total Annual Burden: 2,212 hours.

Total Annual Cost: None.

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

Privacy Act: No impact(s).

Needs and Uses: Section 90.525 of the Commission's rules requires approval of license applications for Interoperability channels in the 769–775 MHz and 799–805 MHz frequency bands by state-level agency or organization responsible for administering emergency communications. *Section 90.529* of the Commission's rules provides that each state license will be granted subject to the condition that the state certifies on or before each applicable benchmark date that it is providing or prepared to provide "substantial service." A licensee must demonstrate that it is providing or prepared to provide substantial service to one third of its geographic area or population by June 13, 2014 and two thirds by June 13, 2019. A licensee will be deemed to be prepared to provide substantial service if the licensee certifies that a radio system has been approved and funded for implementation by the deadline date. Substantial service refers to service which is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal. If a state licensee fails to meet any condition of the grant the state license is modified automatically to the frequencies and geographic areas where the state certifies that it is providing substantial service. Any recovered state license spectrum will revert to General Use. However, spectrum licensed to a state under a state license remains unavailable for reassignment to other applicants until the Commission's database reflects the parameters of the modified state license. The Commission seeks information including the kind of public safety service that the licensee is providing with the system; which state channels are in use in the system; whether the licensee's has made its showing based on territory or population served; the percentage of territory/population served by the system footprint; and what signal level is being used to determine the system footprint. *Section 90.531* of the Commission's rules sets forth the band plan for the 763–775 MHz and 793–805 MHz public safety bands. This section covers channel designations for base and mobile use, narrowband segments, combined channels, channel pairing, internal guard band, and broadband. Narrowband general use channels and low power channels require regional planning committee concurrence.

Commission staff will use the information to assign licenses for interoperability and General Use channels, as well as renewal of State licenses. The information will also be used to determine whether prospective licensees operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate State interoperability or regional planning requirements or provide for the efficient use of State

frequencies. This information collection includes rules to govern the operation and licensing of 700 MHz band systems to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934, as amended. Such information will continue to be used to verify that applicants are legally and technically qualified to hold licenses, and to determine compliance with Commission rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–25650 Filed 10–27–14; 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–XD586

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2014–2015 Accountability Measure and Closure for Gulf King Mackerel in the Florida West Coast Northern Subzone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for commercial king mackerel in the Florida west coast northern subzone of the eastern zone of the Gulf of Mexico (Gulf) in the U.S. exclusive economic zone (EEZ) through this temporary final rule. NMFS has determined that the quota for king mackerel in the Florida west coast northern subzone of the Gulf EEZ will have been reached by October 27, 2014. Therefore, NMFS closes the Florida west coast northern subzone to commercial king mackerel fishing in the EEZ on October 27, 2014, to protect the Gulf king mackerel resource.

DATES: The closure is effective noon, local time, October 27, 2014, until 12:01 a.m., local time, on July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone: 727–824–5305, email: *susan.gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, and cobia) is managed under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The Gulf migratory group king mackerel is divided into western and eastern zones. The Gulf's eastern zone for king mackerel is further divided into the Florida west coast northern and southern subzones that have separate quotas. The December 29, 2011 (76 FR 82058), final rule specified the quota for the Florida west coast northern subzone at 178,848 lb (81,124 kg) (50 CFR 622.384(b)(1)(i)(B)(*2*)).

Because 75 percent of the Florida west coast northern subzone's quota had been harvested, NMFS published a temporary rule on October 14, 2014, to reduce the trip limit for the commercial sector of king mackerel in the Florida west coast northern subzone to 500 lb (227 kg) of king mackerel per day in or from the EEZ (79 FR 61585).

Regulations at 50 CFR 622.388(a)(1) and 50 CFR 622.384(e) require NMFS to close the commercial sector for Gulf migratory group king mackerel in the Florida west coast northern subzone when the quota is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. Based on the best scientific information available, NMFS has determined the commercial quota of 178,848 lb (81,124 kg) for Gulf migratory group king mackerel in the Florida west coast northern subzone will be reached by October 27, 2014. Accordingly, the northern Florida west coast subzone is closed effective noon, local time, October 27, 2014, through June 30, 2015, the end of the fishing year, to commercial fishing for Gulf migratory group king mackerel.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain Gulf group king mackerel in the EEZ in the closed subzone (50 CFR 622.384(e)(1)). A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed subzone under the bag and possession limits set forth in 50 CFR 622.382(a)(1)(ii) and (a)(2), provided the vessel is operating as a charter vessel or headboat. A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed subzone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zones or subzones that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(3)).

The Florida west coast northern subzone is that part of the EEZ between 26°19.8′ N. latitude (a line directly west from the boundary between Lee and Collier Counties, FL) and 87°31.1′ W. longitude (a line directly south from the state boundary of Alabama and Florida).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf migratory group king mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.388(a)(1) and 50 CFR 622.384(e) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the Florida west coast northern subzone of the Gulf eastern zone to commercial king mackerel fishing constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) because prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Prior notice and public comment is unnecessary because the rule implementing the commercial quota and the associated requirement for closure of the commercial harvest when the quota is reached or projected to be reached has already been subject to notice and comment, and all that remains is to notify the public of the closure. Additionally, allowing prior notice and opportunity for public comment is contrary to the public

interest because of the need to immediately implement this action to protect the king mackerel resource because the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: October 22, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–25600 Filed 10–23–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130919816–4205–02]

RIN 0648–XD570

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2014 Sub-Annual Catch Limit (ACL) Harvested for Management Area 1A

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

ACTION: Temporary rule; directed fishery closure.

SUMMARY: NMFS is closing the directed herring fishery in management Area 1A, because it projects that 92 percent of the 2014 catch limit for that area will have been caught by the effective date of this action. This action is necessary to comply with the regulations implementing the Atlantic Herring Fishery Management Plan and is intended to prevent excess harvest in Area 1A.

DATES: Effective 0001 hr local time, October 26, 2014, through December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Management Specialist, (978) 281–9224.

SUPPLEMENTARY INFORMATION: The reader can find regulations governing the herring fishery at 50 CFR part 648. The regulations require annual specification of the overfishing limit, acceptable biological catch, annual catch limit (ACL), optimum yield, domestic harvest and processing, U.S. at-sea processing, border transfer, and sub-ACLs for each management area. The 2014 Domestic Annual Harvest is 107,800 metric tons (mt); the 2014 sub-ACL allocated to Area 1A is 31,200 mt (but was reduced to 12,775 mt to account for an overage in 2011), and 936 mt of the Area 1A sub-ACL is set aside for research (78 FR 61828, October 4, 2013). The 2014 Area 3 sub-ACL was increased to 33,967 mt to account for a 3,366 mt underharvest in 2012 (79 FR 15253, March 19, 2014).

The regulations at § 648.201 require that when the NMFS Administrator of the Greater Atlantic Region (Regional Administrator) projects herring catch will reach 92 percent of the sub-ACL allocated in any of the four management areas designated in the Atlantic Herring Fishery Management Plan (FMP), NMFS will prohibit herring vessel permit holders from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from the specified management area for the remainder of the fishing year. The Regional Administrator monitors the herring fishery catch in each of the management areas based on dealer reports, state data, and other available information. NMFS publishes notification in the **Federal Register** of the date that the catch is projected to reach 92 percent of the management area sub-ACL and closure of the directed fishery in the management area for the remainder of the fishing year. After the closure, no vessel may offload and/or sell more than 2,000 lb (907.2 kg) of herring from Area 1A unless that vessel entered port before the closure. During the directed fishery closure, vessels may transit Area 1A with more than 2,000 lb (907.2 kg) of herring on board only under the conditions specified below.

The Regional Administrator has determined, based on dealer reports and other available information, that the herring fleet will have caught 92 percent of the total herring sub-ACL allocated to Area 1A (31,249 mt) for 2014 by October 26, 2014. Therefore, effective 0001 hr local time, October 26, 2014, vessel issued a Federal herring permit may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) of herring per trip or calendar day, in or from Area 1A through December 31, 2014, except that vessels that have entered port before 0001 hr on October 26, 2014, may offload and sell more than 2,000 lb (907.2 kg) of herring from Area 1A from that trip after the closure. During the directed fishery closure, October 26, 2014, through December 31, 2014, a vessel may transit through Area 1A with more than 2,000 lb (907.2 kg) of herring on board, provided the vessel did not fish for or catch more than 2,000 lb (907.2 kg) of herring in Area 1A and the vessel's gear is not available for immediate use as defined by § 648.2. Effective 0001 hr, October 26, 2014, federally permitted dealers may not receive herring from federally permitted herring vessels that harvest more than 2,000 lb (907.2 kg) of herring from Area 1A through 2400 hr local time, December 31, 2014, unless it is from a trip landed by a vessel that entered port before 0001 hr on October 26, 2014. During the seasonal period January 1, 2015, through May 31, 2015, vessels are prohibited from fishing for herring in or from Area 1A. Beginning on June 1, 2015, the 2015 allocation for Area 1A becomes available.

Classification

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

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. This action closes the directed herring fishery for Management Area 1A through December 31, 2014, under current regulations. The regulations at § 648.201(a) require such action to ensure that herring vessels do not exceed the 2014 sub-ACL allocated to Area 1A. The herring fishery opened for the 2014 fishing year on January 1, 2014. Data indicating the herring fleet will have landed at least 92 percent of the 2014 sub-ACL allocated to Area 1A have only recently become available. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Area 1A for this fishing year may be exceeded, thereby undermining the conservation objectives of the FMP. If sub-ACLs are exceeded, the excess must also be deducted from a future sub-ACL and would reduce future fishing opportunities. NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: October 22, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–25635 Filed 10–23–14; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 140107014–4014–01]

RIN 0648–XD425

Fisheries Off West Coast States; Modifications of the West Coast Commercial and Tribal Salmon Fisheries; Inseason Actions #10 through #23

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

ACTION: Modification of fishing seasons; request for comments.

SUMMARY: NOAA Fisheries announces 14 inseason actions in the ocean salmon fisheries. These inseason actions modified the commercial salmon fisheries in the area from the U.S./Canada border to U.S./Mexico border and the treaty Indian fishery north of Cape Falcon, Oregon.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions. Comments will be accepted through November 12, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0005, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0005*, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- Mail: William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA, 98115–6349.
- Fax: 206–526–6736, Attn: Peggy Mundy.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:

Background

In the 2014 annual management measures for ocean salmon fisheries (79 FR 24580, May 1, 2014), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, beginning May 1, 2014, and 2015 salmon seasons opening earlier than May 1, 2015. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions). The state management agencies that participate in these consultations are: California Department of Fish and Wildlife (CDFW), Oregon Department of Fish and Wildlife (ODFW), and Washington Department of Fish and Wildlife (WDFW).

Management of the salmon fisheries is generally divided into two geographic areas: North of Cape Falcon (U.S./Canada border to Cape Falcon, Oregon) and south of Cape Falcon (Cape Falcon, Oregon to the U.S./Mexico border). The inseason actions reported in this document affect fisheries north and south of Cape Falcon. Within the south of Cape Falcon area, the Klamath Management Zone (KMZ) extends from Humbug Mountain, Oregon to Humboldt South Jetty, California and is divided at the Oregon/California border into the Oregon KMZ to the north and California KMZ to the south; five inseason actions in this notice specifically affect fisheries in the Oregon KMZ. All times mentioned refer to Pacific daylight time.

Inseason Actions

Inseason Action #10

Inseason action #10 modified the landing and possession limit for Chinook salmon in the commercial salmon fishery from U.S./Canada border to Cape Falcon, Oregon; this superseded inseason action #8 (79 FR 34269, June 16, 2014). Effective June 6, 2014, the landing and possession limit north of Cape Falcon was adjusted to 30 Chinook salmon north of Queets River or 40 Chinook salmon south of Queets River, per vessel, per open period.

The Regional Administrator (RA) consulted with representatives of the Council, WDFW, and ODFW on June 5, 2014. The information considered during this consultation related to catch-to-date and fishery effort in the commercial salmon fishery north of Cape Falcon. Inseason action #8, which took effect on May 30, 2014, adjusted the landing and possession limit to 40 Chinook salmon north of Queets River or 50 Chinook salmon south of Queets River, per vessel, per open period. During this consultation, the states recommended further restricting the landing and possession limit to 30 Chinook salmon north of Queets River or 40 Chinook salmon south of Queets River, per vessel, per open period to avoid exceeding the May-June quota set preseason. The RA concurred with the state's recommendation. Inseason action #10 took effect at 12:01 a.m. on June 6, 2014 and remained in effect until 11:59 p.m., June 12, 2014, when it was superseded by inseason action #11. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #11

Inseason action #11 modified the landing and possession limit for Chinook salmon in the commercial salmon fishery from U.S./Canada border to Cape Falcon, Oregon; this superseded inseason action #10. Effective June 13, 2014, the landing and possession limit north of Cape Falcon was adjusted to 20 Chinook salmon, per vessel, per open period.

The RA consulted with representatives of the Council, WDFW, and ODFW on June 12, 2014. The information considered during this consultation related to catch-to-date and fishery effort in the commercial salmon fishery north of Cape Falcon. Inseason action #10, which took effect on June 6, 2014, adjusted the landing and possession limit to 30 Chinook salmon north of Queets River or 40 Chinook salmon south of Queets River, per vessel, per open period. During this consultation, the states recommended further restricting the north of Cape Falcon landing and possession limit to 20 Chinook salmon, per vessel, per open period to avoid exceeding the May-June quota set preseason. The RA concurred with the state's recommendation. Inseason action #11 took effect at 12:01

a.m. on June 13, 2014 and remained in effect until 11:59 p.m., June 30, 2014, the end of the May-June season. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #12

Inseason action #12 closed the June commercial salmon fishery in the Oregon KMZ at 11:59 p.m., June 18, 2014.

The RA consulted with representatives of the Council, CDFW, and ODFW on June 18, 2014. The information considered during this consultation related to catch-to-date and fishery effort in the commercial salmon fishery south of Cape Falcon. The states recommended that the June fishery, close on June 18, 2014 to avoid exceeding the available quota for June. The RA concurred with the states' recommendation. Inseason action #12 took effect on June 18, 2014, and remained in effect through June 30, 2014, the end of the June season. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #13

Inseason action #13 modified the landing requirement for the final opening in the May–June season in the commercial salmon fishery north of Cape Falcon. Catch must be landed by 11:59 p.m., June 30, 2014, in order to not count against the landing limit, and quota, for the first week of the summer season, which started 12:01 a.m. July 1, 2014.

The RA consulted with representatives of the Council, WDFW, ODFW, and CDFW on June 26, 2014. The information considered during this consultation related to catch-to-date and fishery effort in the spring (May–June) season, and landing and possession limits in the spring and summer seasons in the commercial salmon fishery north of Cape Falcon. During the consultation, the states recommended that, contrary to earlier projections, sufficient quota remained to allow the fishery to remain open until the scheduled end of the spring season on June 30. However, with no break scheduled between the end of the spring season on June 30 and the beginning of the summer season on July 1, and different landing limits and quotas applying to the two seasons, a modification of the landing requirements was necessary. The landing requirements in the management measures set preseason allow landing within 24 hours of closure of the fishery. The states recommended that catch from the spring fishery would have to be landed by 11:59 p.m., June 30, 2014, to apply against the existing landing limit (set under inseason action #11) and count against the spring quota. Salmon landed after that time would be applied to the landing limit, and quota, for the first opening of the summer season. The purpose of this action was to allow the states to account for catch, enforce landing and possession limits, and manage quotas. The RA concurred with the states' recommendation. Inseason action #13 took effect June 30, 2014, and remained in effect until July 1, 2014. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #14

Inseason action #14 adjusted the quota for July in the commercial salmon fishery in the Oregon KMZ to account for unutilized quota from June, which was rolled over to July on an impact-neutral basis. The adjusted July quota was set at 574 Chinook salmon.

The RA consulted with representatives of the Council, ODFW, CDFW, and WDFW on June 26, 2014. The information considered during this consultation related to landed catch in the June commercial salmon fishery in the Oregon KMZ. During the consultation, the states reported that 132 Chinook salmon remained from the June quota. The Salmon Technical Team (STT) calculated that rolling over this unutilized quota to July, on an impact-neutral basis for impacts to Klamath River fall Chinook (KRFC) age-4 escapement and Klamath tribal fisheries, would convert 132 Chinook salmon from June to 74 Chinook salmon in July. The states recommended that the July quota in the Oregon KMZ, set preseason at 500 Chinook salmon be adjusted to 574 Chinook salmon. The purpose of this action was to allow access to available Chinook salmon quota while not exceeding impacts set preseason for KRFC and Klamath tribal fisheries. The RA concurred with the states' recommendation. Inseason action #14 took effect July 1, 2014, and remained in effect superseded by inseason action #18, which took effect on July 24, 2014. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #15

Inseason action #15 modified the commercial salmon fishery from the Humbug Mountain, Oregon to the Oregon/California border (Oregon KMZ) to open at 12:01 a.m., July 1, 2014, as scheduled, and close at 11:59 p.m., July 2, 2014, with a daily landing and possession limit of 15 Chinook per vessel.

The RA consulted with representatives of the Council, ODFW, CDFW, and WDFW on June 26, 2014. The information considered during this consultation related to catch-to-date, fishery effort, and catch projections in the commercial salmon fishery south of Cape Falcon. The states recommended that the July fishery, open for two days, July 1 and 2, 2014, with a daily landing and possession limit of 15 Chinook salmon per vessel. Additional openings could be scheduled under inseason actions, if sufficient quota remained. The purpose of this action was to allow access to available quota for July without exceeding it. The RA concurred with the states' recommendation. Inseason action #15 took effect on July 1, 2014, and remained in effect through July 31, 2014. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #16

Inseason action #16 adjusted the summer quota in the treaty Indian salmon fishery north of Cape Falcon to account for unutilized quota from May-June, which was rolled over to the summer fishery on an impact-neutral basis. The adjusted summer (July 1 through September 15) quota was set at 33,046 Chinook salmon.

On July 7, 2014, the treaty tribes reported to NMFS that they had 1,814 Chinook salmon unutilized quota from the May-June fishery to rollover to the summer fishery. The STT calculated that rolling over this unutilized quota to the summer fishery, on an impact-neutral basis for impacts to Skokomish and mid-Hood Canal Chinook salmon, would convert to 1,796 Chinook salmon to add to the summer quota. Inseason action #16 adopted the adjusted summer quota of 33,046 Chinook salmon. The purpose of this action was to allow access to available Chinook salmon quota while not exceeding impacts set preseason for Skokomish and mid-Hood Canal Chinook. Inseason action #16 took effect July 8, 2014, and remains in effect through the end of the 2014 season. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #17

Inseason action #17 modified the landing and possession limit for Chinook salmon in the summer commercial salmon fishery from U.S./Canada border to Cape Falcon, Oregon that opened July 1, 2014. The landing and possession limit was reduced from 60 Chinook salmon, set preseason, to 35

Chinook salmon per vessel per open period, effective July 11, 2014.

The RA consulted with representatives of the Council, WDFW, and ODFW on July 10, 2014. The information considered during this consultation related to catch-to-date and fishery effort in the commercial salmon fishery north of Cape Falcon; in the first of 11 scheduled openings, 27 percent of the summer quota for Chinook salmon was landed. During the consultation, the states recommended reducing the landing and possession limits for Chinook salmon in the commercial salmon fishery north of Cape Falcon to maintain the season as scheduled without exceeding the quota set preseason. The RA concurred with the state's recommendation. Effective July 11, 2014, inseason action #17 adjusted the north of Cape Falcon Chinook salmon landing and possession limit to 35 Chinook salmon per vessel per open period. Inseason action #17 remained in effect until superseded by inseason action #21 on August 1, 2014. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #18

Inseason action #18 adjusted the quotas for July and August in the commercial salmon fishery in the Oregon KMZ to account for unutilized quota from June and July, which was rolled over to July and August on an impact-neutral basis. The readjusted July quota was set at 596 Chinook salmon (superseding inseason action #14). The adjusted August quota was set at 580 Chinook salmon.

The RA consulted with representatives of the Council, ODFW, CDFW, and WDFW on July 24, 2014. The information considered during this consultation related to landed catch in the June and July commercial salmon fisheries in the Oregon KMZ. During the consultation, the State of Oregon updated the landings from June and reported that 171 Chinook salmon remained from the June quota, rather than 132 as previously reported (see inseason action #14, above). The STT calculated that rolling over this unutilized quota to July, on an impact-neutral basis for impacts to KRFC age-4 escapement and Klamath tribal fisheries, would convert 171 Chinook salmon from June to 96 Chinook salmon in July. The states recommended that the July quota in the Oregon KMZ, set preseason at 500 Chinook salmon and adjusted to 574 Chinook salmon under inseason action #14, be readjusted to 596 Chinook salmon. The State of Oregon reported that, of the 596 adjusted July quota, 496 Chinook were landed in the 2-day July opening, July 1 and 2, 2014 (see inseason action #15); therefore, quota of 100 Chinook salmon remained to be rolled over to August. The STT calculated the rollover, on an impact-neutral basis as described above, added 80 Chinook salmon to the August quota, set preseason at 500 Chinook salmon. The purpose of this action was to allow access to available Chinook salmon quota while not exceeding impacts set preseason for KRFC and Klamath tribal fisheries. The RA concurred with the states' recommendation. Inseason action #18 took effect July 24, 2014, and remains in effect until the end of the 2014 season, or until superseded by further inseason action. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #19

Inseason action #19 modified the commercial salmon fishery in the Oregon KMZ to open Wednesday and Thursday, August 6 and 7, 2014, with a daily landing and possession limit of 15 Chinook per vessel, and to open on subsequent Wednesdays and Thursdays in August, with a daily landing and possession limit of 15 Chinook per vessel.

The RA consulted with representatives of the Council, ODFW, CDFW, and WDFW on July 24, 2014. The information considered during this consultation related to available August quota, anticipated fishery effort, and catch projections in the commercial salmon fishery south of Cape Falcon. The states recommended that the August fishery open on Wednesdays and Thursdays with a daily landing and possession limit of 15 Chinook salmon per vessel, allowing the state to calculate remaining quota available prior to the next opening, and request an inseason consultation if further modifications to the August fishery were necessary. The purpose of this action was to allow access to available quota for August without exceeding it. The RA concurred with the states' recommendation. Inseason action #19 took effect on August 6, 2014, and remains in effect through August 29, 2014, unless superseded by inseason action. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #20

Inseason action #20 adjusted the incidental halibut allocation to 33,671 pounds, effective August 1, 2014, due to 4,000 pounds of additional allocation provided by the International Pacific Halibut Commission (IPHC). Inseason action #20 also modified the landing and possession limit to allow no more than one Pacific halibut per each four Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 3 halibut may be possessed or landed per trip, effective July 20, 2014 (this superseded the landing and possession limits set in inseason action #9 (79 FR 34269, June 16, 2014)).

The RA consulted with representatives of the Council, ODFW, CDFW, and WDFW on July 24, 2014. The information considered during this consultation related to IPHC allocations under the catch sharing, halibut catch-to-date, and effort in the commercial salmon fishery. Effective August 1, 2014, the IPHC rolled over 4,000 pounds of unutilized commercial halibut quota to the commercial salmon incidental halibut allocation, this resulted in an adjusted allocation of 33,671 pounds of Pacific halibut incidental to the commercial salmon fishery. The states recommended adjusting the incidental halibut landing and possession limit to allow access to this additional allocation. The RA concurred with the states' recommendation. The landing limits adjusted under inseason action #20 took effect on July 25, 2014, and remained in effect until superseded by inseason action #23 on August 8, 2014. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #21

Inseason action #21 modified the landing and possession limit for Chinook salmon in the commercial salmon fishery from U.S./Canada border to Cape Falcon, Oregon to 50 Chinook salmon and 50 marked coho per vessel per open period north of the Queets River, or 50 Chinook salmon and 80 marked coho per vessel south of the Queets River, effective August 1, 2014 (this action superseded inseason action #17).

The RA consulted with representatives of the Council, WDFW, and ODFW on July 31, 2014. The information considered during this consultation related to catch-to-date and fishery effort in the commercial salmon fishery north of Cape Falcon. Adverse weather conditions and shift of fishing effort from salmon to tuna resulted in lower than anticipated landings. During the consultation, the states recommended increasing the landing and possession limits for Chinook and coho salmon in the commercial salmon fishery north of Cape Falcon to provide access to available quota. The RA

concurred with the states' recommendation. Inseason action #21 took effect August 1, 2014, and remained in effect until superseded by inseason action #22 on August 8, 2014. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #22

Inseason action #22 modified the landing and possession limit for Chinook salmon in the commercial salmon fishery from U.S./Canada border to Cape Falcon, Oregon to 75 Chinook salmon and 150 marked coho per vessel per open period, effective August 8, 2014. This action superseded inseason action #21 and also preempted a scheduled change in the landing limits set in the preseason regulations to take effect on August 22.

The RA consulted with representatives of the Council, WDFW, and ODFW on August 7, 2014. The information considered during this consultation related to catch-to-date and fishery effort in the commercial salmon fishery north of Cape Falcon. Adverse weather conditions continued to negatively affect the fishery and not all vessels participating in the fishery have been able to catch their landing limits. During the consultation, the states recommended increasing the landing and possession limits for Chinook and coho salmon in the commercial salmon fishery north of Cape Falcon to provide access to available quota while salmon are still available to the ocean fishery. The RA concurred with the state's recommendation. Inseason action #22 remains in effect until modified by inseason action, and preempted a scheduled change in landing limit set preseason to take effect on August 22, 2014. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #23

Inseason action #23 modified the landing and possession limit for Pacific halibut caught incidental to the commercial salmon fishery by IPHC license holders to allow no more than one Pacific halibut per each four Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 7 halibut may be possessed or landed per trip (this superseded the landing and possession limits set in inseason action #20).

The RA consulted with representatives of the Council, ODFW, CDFW, and WDFW on August 7, 2014. The information considered during this consultation related to IPHC allocations under the catch sharing plan, halibut catch-to-date, and effort in the commercial salmon fishery. The states recommended increasing the incidental halibut landing and possession limit to allow access to the allocation that was adjusted on August 1, 2014 (see inseason action #20). The RA concurred with the states' recommendation. Inseason action #23 took effect on August 8, 2014, and remains in effect until the allocation is attained or until superseded by inseason action. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

All other restrictions and regulations remain in effect as announced for the 2014 ocean salmon fisheries and 2015 fisheries opening prior to May 1, 2015 (79 FR 24580, May 1, 2014).

The RA determined that the best available information indicated that Chinook salmon and Pacific halibut landings and fishing effort supported the above inseason actions recommended by the treaty tribes (inseason action #16), and the states of Washington, Oregon, and California. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the time the action was effective, by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (79 FR 24580, May 1, 2014), the West Coast Salmon Fishery Management Plan (Salmon FMP), and regulations implementing the Salmon FMP, 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time catch and effort projections were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, thus allowing fishers access to the available fish at the time the fish were available while ensuring that quotas are not exceeded. The AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3), as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the Salmon FMP and the current management measures.

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

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

Dated: October 22, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–25629 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 208
Tuesday, October 28, 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.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Chapter I

[RIN 3095–AB84]

Revision of Regulations

AGENCY: Administrative Committee of the Federal Register.

ACTION: Proposed rule.

SUMMARY: The Administrative Committee of the Federal Register proposes to update its regulations for the **Federal Register** system to clarify certain policies and to reflect current procedures and technological advances. This proposal would also revise the regulatory text to make it more readable and consistent with plain language principles.

DATES: Comments must be received on or before December 29, 2014.

ADDRESSES: You may submit comments, identified using the subject line of this document, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Fedreg.legal@nara.gov.* Include the subject line of this document in the subject line of the message.
- *Mail:* The Office of the Federal Register (F), The National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.
- *Hand Delivery/Courier:* Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC 20002.

Docket materials are available at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC 20002, 202–741–6030. Please contact the persons listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection of docket materials. The Office of the Federal Register's official hours of business are Monday through Friday, 8:45 a.m. to 5:15 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Amy P. Bunk, Director of Legal Affairs and Policy, or Miriam Vincent, Staff Attorney, Office of the Federal Register, at *Fedreg.legal@nara.gov,* or 202–741–6030.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Under the Federal Register Act (FRA or the Act), (44 U.S.C. Chapter 15), the Administrative Committee of the Federal Register (Administrative Committee) is responsible for issuing regulations governing **Federal Register** publications. The Administrative Committee has general authority under 44 U.S.C. 1506 to determine the manner and form for publishing the **Federal Register** and its special editions. The last major revision of Title 1 Chapter I of the Code of Federal Regulations (CFR) was completed November 4, 1972 (37 FR 23602). Because of technological advances in the printing and publication industry, the Administrative Committee intends to update chapter I in its entirety. This action does not represent an increase in the burdens on agencies or the public.

Many of the changes proposed are technical in nature and will bring the regulations in line with the Office of the Federal Register (OFR) document management system and other technologies not available in the early 1970s. The Administrative Committee is also updating the text of many sections to meet plain language principles and to further the goals of the President's memorandum on Transparency and Open Government. (74 FR 4685, January 26, 2009).

Proposed changes to 1 CFR chapter I are highlighted as follows:

Proposed Changes to Parts 1 and 2

Parts 1 and 2 would be combined to follow OFR guidance that parts should not contain only one section. In § 1.2, we would add a definition for the term "Director" to mean the Director of the Federal Register. Other proposed changes to part 1 include updating the OFR's mailing address and clarifying that materials appearing in the daily **Federal Register** or special editions of the **Federal Register,** with the exception of the National Archives and Records Administration's official seal and OFR logos, may be reproduced. *See* 36 CFR part 1200.

Proposed Changes to Parts 3, 5, 6 and 8

Many of the changes to these sections would be technical in nature, bringing the regulations in line with current technologies used at the OFR to carry out its mission. For example, §§ 3.1 and 3.2 include proposed language addressing where readers can access information online.

Proposed section 3.1 states that the Director of the Federal Register administers the format and availability of the OFR.gov Web site. Proposed section 3.2 specifies that documents placed on public inspection are posted online. The proposed regulation makes clear that the official public inspection version of the document is filed at the OFR and that the actual date and time of official filing is the point in time when the document is available at the OFR. It also clarifies that the online public inspection desk is only updated during official office hours.

Sections 3.3 and 3.4 would be added to consolidate the regulations on ancillaries and indexes to the **Federal Register** (§ 3.3) and the *Code of Federal Regulations* (§ 3.4), currently set out in other parts. This consolidation would allow us to remove part 6, which currently deals with ancillaries and indexes to the daily **Federal Register**. It contains five regulations dealing specifically with a daily **Federal Register Index** (§ 6.1), a yearly cumulative **Federal Register Index** (§ 6.2), daily and monthly lists of parts and sections affected by rules published in the **Federal Register** (§§ 6.3 and 6.4), and a general section allowing the Director discretion to publish other indexes, digests, and guides, as needed (§ 6.5). The Administrative Committee believes that consolidating these sections into one general section allows the Director greater flexibility to publish user aids at a time when most users rely on the online version of the daily **Federal Register.**

This proposed consolidation would also allow us to remove §§ 8.4 and 8.5, which deal with ancillaries and indexes to the CFR. These proposed changes allow readers to quickly find information on user aids in one part entitled "SERVICES TO THE PUBLIC" (part 3) instead of searching the entire chapter to find this information.

The Committee proposes to revise § 5.9, entitled "Categories of documents." The Committee created these categories to provide greater clarity under the FRA. These categories, which will correspond to sections in the daily **Federal Register**, are not intended as a determination as to a document's legal status.

The Committee proposes to revise § 5.9 to clarify what types of documents are published in which categories of the daily **Federal Register**. To do this, the Committee is proposing to add a new category to the daily **Federal Register** as set out in § 5.9(d) and revise the list of documents types that publish in the Rules and Regulations category of the daily **Federal Register**. Certain types of documents that are currently required to be published in the Rules and Regulations category would be published in this new category of the daily issue, which would be called "Regulatory Notices." The Regulatory Notices category would include documents containing Regulation Identifier Numbers (RINs) that do not amend the CFR; Paperwork Reduction Act notices; statements of organization and function; and announcements of public meetings, Sunshine Act notices, other meeting notices that are related to specific agency regulations and rulemaking actions; and general policy statements concerning regulations.

The Committee believes that adding a new category to the daily **Federal Register** will alleviate confusion regarding where documents will publish in the daily **Federal Register** and allow documents to be processed for publication more quickly. The Committee also believes that creating this category falls in line with current data-harmonization efforts across the federal government by providing a specific **Federal Register** category for these types of documents.

The Committee also proposes to revise §§ 5.10 and 8.6, which discuss the official formats of the **Federal Register** and the CFR. Currently, both sections specifically identify the formats that are official formats of both the **Federal Register** and the CFR. Setting out the official formats within the CFR makes it difficult to keep pace with the rapidly changing technological developments in publishing. Therefore, the Committee is proposing to remove the list of official formats from the CFR in favor of regulations that describe in detail the factors the Committee uses to determine what is an official format of these publications. Once the Committee determines the formats of these publications that are official, based on the factors set out in the regulations, the Committee will publish a Notice in the **Federal Register** announcing those official formats.

The Committee has determined that it may announce official formats in a published Notice rather than codify them in the CFR, and that it may do so without seeking public comment. In 1996, through final rule with request for comments, the Committee chose to specify the official formats in the CFR.[1] The Committee noted in a later rule that "granting official status" of a format is a "procedural matter" and does "not . . . materially [affect] rights or obligations." [2] Consistent with that determination, the Committee has concluded that it is unnecessary for future designations of official format to be subject to public comment or codified in the CFR because such designations are rules of agency procedure and practice. *See* 5 U.S.C. 553(b)(A). The Committee believes that the Administrative Procedure Act's general requirement for rulemaking requires that the Committee codify the procedural requirements for determining an official format but does not require that the actual format be included within the CFR.

Currently, § 8.3(c) requires that all rule documents amending the CFR be included in the annual soft-bound version of the CFR, even if the amendments to the CFR are not yet effective. In other words, a document amending the CFR that is published before July 1st (the publication date of the annual CFR volume) but is not effective until July 7th appears in the printed edition in a smaller font along with the currently effective regulation. While this practice was intended to alert readers to future changes in CFR text, displaying parallel codified text could sometimes be confusing.

Now that there is an unofficial Electronic Code of Federal Regulations (e-CFR) that displays the current text of the CFR and links readers to pending **Federal Register** amendments, users have less need for future-effective amendments in printed editions. The proposed change to § 8.3(c) would eliminate potential confusion by providing that only the regulation currently in effect as of the date of publication of the soft-bound volume will be published in that volume.

Other proposed changes to part 5 and part 8 not specifically mentioned in this preamble are technical in nature; they clarify requirements for publication in the **Federal Register** system and reformat sections to aid in the readability of this chapter.

Proposed Changes to Parts 11 and 12

The Administrative Committee proposes changing the language of parts 11 and 12 to be more concise and clear and to meet the goals of the President's transparency memorandum. In addition to these technical edits, the Committee proposes substantive changes to part 12. To fulfill the requirements of the Act, this part, entitled "OFFICIAL DISTRIBUTION WITHIN FEDERAL GOVERNMENT," sets out the number of official copies of **Federal Register** publications that various Federal government entities are entitled to receive. Specifically, §§ 12.1 and 12.2 address the number of printed copies of the **Federal Register** and the CFR available to Federal entities without charge. The Administrative Committee believes that publishing both these publications in a free, electronic-only format to Federal officials for their official use constitutes the distribution of the **Federal Register** and the CFR for official use without charge. However, the OFR will continue to provide one soft-bound copy of the **Federal Register** and CFR to Federal officials upon a written request to the Director. The proposed changes to parts 11 and 12 will not change the page rate charged to agencies to publish documents in the **Federal Register** and CFR. The Administrative Committee intends that an official online version of both publications will remain available to both the public and Federal officials.

Additionally, the Administrative Committee proposes to remove § 12.4. Section 12.4 establishes the number of printed copies of the *Weekly Compilation of Presidential Documents* (*Weekly Compilation*) available to Federal entities without charge. The Administrative Committee would remove and reserve this section because the Committee discontinued the publication of the Weekly Compilation in January 2009 and has received no negative feedback from Federal entities that previously received a printed copy of this publication (*See* 74 FR 3950, January 21, 2009). The Committee also believes that providing the *Daily Compilation of Presidential Documents* (*Daily Compilation*) online meets the requirement of the FRA that publications such as the *Daily*

[1] "[T]he Administrative Committee is updating its regulations to acknowledge the official status and availability of the Administrative Committee's online editions of the **Federal Register** and The United States Government Manual. The Administrative Committee has resolved that the American public should have greater access to essential information on the structure, functions and actions of its Government through the **Federal Register** system." 61 FR 68118 (December 27, 1996).

[2] 65 FR 8841, 8842 (February 23, 2000).

Compilation be distributed for official use without charge.

Proposed Changes to Part 15

The Administrative Committee proposes to amend part 15 to remove § 15.1, concerning OFR assistance, because it duplicates the requirements in current §§ 15.3 and 15.10. In this document, the Committee proposes to redesignate current §§ 15.2, 15.3 and 15.10 as §§ 15.1, 15.2, and 15.3 respectively, and to make certain technical and clarifying changes to each redesignated section. Finally in part 15, the Committee proposes to remove § 15.4 because agencies no longer request reproduction and certification of copies of acts or documents from the OFR.

Proposed Changes to Part 16

In § 16.2, the Administrative Committee proposes to add a new paragraph (b) requiring agencies to provide the OFR and officials at their agencies specific information for continuity of operations (COOP) purposes. Over the past several years, Federal agencies have developed contingency plans to maintain operations in the case of a broad range of emergency circumstances. The FRA authorizes the President to activate the Emergency Federal Register (EFR) system in place of the daily **Federal Register** in certain limited circumstances. (See 44 U.S.C. 1505(c) and E.O. 12656, as amended (*http://www.archives.gov/Federal-register/executive-orders/1988.html*)). The purpose of the EFR is to support the preservation of the rule of law and a constitutional form of government, following National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (*https://www.hsdl.org/?view&did=476323*).

Under almost all types of emergencies, the OFR would continue to carry out its basic functions at alternate locations. Therefore, this proposed change to § 16.2 would require agencies to provide the Director of the Federal Register with the names of liaison officers who are agency officials authorized to act for the agency in the event of an emergency (COOP liaisons). It also would require liaison officers to provide these officials with information on drafting and submitting documents to the OFR in emergency situations. These COOP liaisons would be responsible for certifying to OFR staff that documents in their possession are official agency actions, signed and authorized for publication. These officers would maintain custody of original documents, unedited or otherwise unchanged in a safe location during an emergency, and submit original documents to the OFR as soon as practicable. This change would allow OFR and the agencies to facilitate information exchange in the event of an emergency that closes the OFR office in Washington, DC. The OFR has posted online a **Federal Register Bulletin** with information on submitting documents when its Washington, DC office location is closed in an emergency. The *Bulletin* can be found online at *http://www.archives.gov/Federal-register/write/newsletter/*. The Administrative Committee believes that this proposed change to its regulations would provide the mechanisms to allow the OFR to publish the *Emergency Federal Register* under emergency circumstances.

Proposed Changes to Part 17

Most of the proposed changes to part 17 are non-substantive and technical in nature. They update the language of the sections in an effort to make the regulations more understandable. They also make minor formatting changes to the sections. One substantive change the Administrative Committee proposes is to remove paragraph 17.2(d). This proposed change would discontinue the long-standing practice of placing meeting notices issued under the "Government in the Sunshine Act" on immediate public inspection and publishing them on an expedited (2-day) publication schedule. Most agencies submit these notices for publication well in advance and do not need the expedited filing. If an agency does need a shorter filing period, it can use the emergency procedures in part 17, subpart C. The underlying policy for this unique publication schedule for Sunshine Act meeting notices was established at a time when filing a document for public inspection simply required the OFR to put a paper copy on the table at the OFR.

Proposed Changes to Part 18

Sections 18.1, 18.4, and 18.10

In §§ 18.1 and 18.4, the Administrative Committee proposes to remove footnotes requesting that agencies wishing to submit computer processed data contact the OFR staff. In the 20 years since this section was last amended, the submission of electronic files has become routine and these footnotes are no longer necessary.

In addition to removing footnotes from §§ 18.1 and 18.4, the Administrative Committee also proposes removing language related to the specific format of original documents submitted in hard copy from § 18.4 and § 18.10. Section 18.10 currently requires that illustrations, tabular materials, and forms be submitted for publication by a legible reproduction on 8½ by 11-inch paper. The OFR is now able to accept illustrations, tabular materials, and forms imbedded in electronically submitted files or as part of an original document. Therefore, the Administrative Committee is proposing to revise this section to require that the submitted form or illustration be legible when reproduced in an 8½- by 11-inch format instead of requiring that agencies submit a legible reproduction themselves. Agencies with questions related to the submission of documents with forms, graphics, tables, or illustrations should contact the editorial staff of the OFR.

Section 18.2

In § 18.2, the Committee proposes to clarify that the Director will not accept for publication a document if it seeks to combine material that must appear under separate categories in the **Federal Register**, as set forth in § 5.9. For example, documents may not serve as both rules and proposed rules nor may they serve as rules and notices. Agencies are not prohibited from discussing their commitments under specific statutes or Executive Orders, including periodic regulatory review.

Section 18.5

Under this proposal, § 18.5 would be removed. This section merely states the explicit statutory requirement that agencies submit certified copies or duplicate originals when they submit an original document for publication in the **Federal Register**. That requirement is already addressed in § 18.1.

Section 18.8

The Administrative Committee proposes to remove § 18.8. This section states that agencies may put their seal on original documents and certified copies submitted for publication. Since very few agencies put their seal on documents submitted for publication and because it is not a requirement for submission of documents to the OFR for publication, the Administrative Committee believes that this section is unnecessary and should be removed.

Section 18.11

The Administrative Committee proposes to add new section § 18.11. By adding the requirement that all documents contain standard headings, and not just rules and proposed rules (as discussed in § 18.12), the content that had been in § 21.16(a) also applies to all

documents, so appropriately belongs in part 18. The Administrative Committee proposes to add a paragraph to account for agency docket numbers and Regulation Identifier Numbers (RINs), as applicable. A RIN is a code assigned by the Regulatory Information Service Center. Documents that are related to such regulatory actions, including Regulatory Notice documents, can carry a RIN.

Section 18.12

Currently, agencies are only required to submit rules and proposed rules using a standardized preamble format. The Administrative Committee proposes to revise § 18.12 to require that agencies submit all documents for publication using the standardized preamble format. Publishing unorganized notice documents without informative headings and guideposts can make vital information difficult to find. For example, advisory committee meeting notices, information collection requests, and grant announcements can be confusing if written in an unorganized manner, without the informative headings and distinct paragraphs that alert readers to comment opportunities, meeting dates, contact information, addresses, and document identification numbers. Requiring preambles for all notice documents will increase public understanding by clearly setting out essential elements of documents that alert readers to various agency actions. This provision will not affect the many agencies that already voluntarily use the standardized preamble format for notices.

Section 18.13

The advent of the online public inspection desk greatly expanded public access to the documents filed for public inspection as required by 44 U.S.C. 1503 and 1504, but it also added technical complexities to the production process. When agencies withdraw or modify documents already placed on public inspection, they disrupt production and increase costs as the **Federal Register** is reassembled and repaginated. Therefore, the Administrative Committee is proposing to revise § 18.13 to more narrowly specify when agencies may withdraw and correct documents on public inspection.

The proposed changes in this section would clarify that documents can be withdrawn or modified only when agencies submit a timely letter stating that the document is being withdrawn to address an emergency or to prevent a violation of law. This proposal does not change the requirement that the withdrawal request letter stay on public inspection through the day on which the document would have been published in the **Federal Register**. However, it would change OFR procedure so that a withdrawn document will be removed from public inspection on the business day on which the document was withdrawn from publication. The revised regulation will continue to require that the OFR provide public notice that a document was withdrawn from publication after being filed for public inspection, but will eliminate possible confusion concerning which documents will be published in the daily **Federal Register**.

Also, the proposed changes to § 18.13 would clarify that, even with a written request, the OFR will correct or withdraw documents on public inspection only when the request does not impose a burden on the production of the **Federal Register**. The proposed changes also provide that corrected documents and the request letters will remain on public inspection until the end of the business day on which the corrections were made to the document.

Section 18.17

The Administrative Committee proposes to revise § 18.17 to add a new paragraph (e). This new paragraph explicitly states that in order to extend the effective period of a temporary rule, agencies must submit a document extending the effective date of that rule before the expiration of the original effective date. The Committee reminds agencies that once the effective date of a temporary rule expires, the provisions of § 18.16 apply, and they must then set out the full text of the temporary rule to reinstate it.

Proposed Changes to Part 19

Part 19, which is based on several Executive Orders, has been amended to reflect changes to those Orders made by E.O. 13403 (71 FR 28543, May 12, 2006). The Administrative Committee proposes to revise the current authority citation for part 19 and the regulations in this part to reflect the addition of this Executive Order.

Proposed Changes to Part 20 and Addition of New Part 24

The United States Government Manual (*Manual*) regulations in part 20 are proposed to be redesignated as new part 24. The redesignation would separate instructions for *Manual* submissions from **Federal Register** drafting requirements.

As the OFR develops a new electronic format for both the submission of agency information and the publication format of the *Manual*, the Administrative Committee proposes to redesignate § 20.7 and revise the new § 24.7 to remove references to print-specific publication deadlines because the *Manual* will be a currently updated online publication. This will allow agencies to provide updated information through an electronic web-based submission process whenever information in the *Manual* needs to be updated. Submission of updated information through an OFR web-based submission portal will qualify as an official draft under § 24.2.

Proposed Changes to Part 21

The proposed changes to part 21 include reformatting the entire part to eliminate undesignated center headings. The Administrative Committee believes that undesignated center headings are no longer useful or needed since most users read the CFR online instead of in book format. Thus, the Administrative Committee proposes that part 21 be formatted as set out below, and that the section headings be revised to provide information formerly in the undesignated center headings.

While the Administrative Committee is proposing to remove undesignated center headings from our regulations, we understand that some agencies still use them. Therefore, the Administrative Committee proposes to add a new definitions section (§ 21.1) to define terms used within this part that are not common, namely, the terms "undesignated center headings," and "words of issuance."

Sections 21.6 and 21.9

In § 21.6, the Administrative Committee proposes to add the phrases "or by court order" and "a rule document" to clarify that if a court vacates an agency's regulations, the issuing agency must remove those vacated CFR sections by publishing a document in the rules section of the daily **Federal Register**, thus implementing the court order.

Section 21.9

In § 21.9, the Administrative Committee proposes to codify the existing practice that agencies may use undesignated center headings.

Section 21.11

The Administrative Committee proposes to revise § 21.11 to limit paragraph designations to four levels. Most agencies do not designate paragraphs below level four because it is difficult to read sections with material designated below this level. The Administrative Committee believes that codifying this practice in this section

adds to the readability and clarity of the entire CFR. Agencies with existing CFR sections containing paragraph designations to six levels do not need to restructure a six-level section until the entire section is revised.

Section 21.14

The Administrative Committee proposes to revise § 21.14 to clarify the procedures and timeframe for agencies to request deviations from the standard format of the CFR. Under 44 U.S.C. 1510, the Administrative Committee is charged with issuing regulations to maintain the orderly codification of regulations within the **Federal Register** publication system. To ensure the orderly development of the CFR, the Administrative Committee issued regulations in title 1 chapter I of the CFR. The Administrative Committee understands that sometimes it is not possible to maintain the single codification structure, so it issued a regulation that established the procedure for agencies to request that certain regulatory provisions be codified in a nonstandard manner into the CFR. See 1 CFR 21.14.

The Administrative Committee proposes to revise § 21.14 to add more time for the Director and OFR staff to review requests for a deviation from the standard CFR structure and also to remove language that suggests that an agency could only make a request at the final rule stage of the rulemaking process. The Administrative Committee believes that these slight changes will provide the OFR needed time to review requests and will allow greater communication between OFR and agencies during the initial phase of the rulemaking process so that codification issues can be discussed and settled before the final rule stage.

Section 21.16

The Administrative Committee proposes to move the content of paragraph (a) to new § 18.11, as discussed in the summary for part 18.

Sections 21.21 and 21.23

The Administrative Committee is proposing to revise § 21.21 on cross references to make clear the distinction between cross references within an agency's own regulations (§ 21.21) and cross references to another agency's regulations (§ 21.23). The Administrative Committee considers these proposed changes structural in nature. They are intended to clarify current requirements. There is no intent to change substantively an agency's ability to cross-reference under these regulations. The Administrative Committee also proposes to remove regulatory language addressing parallel citation of the CFR and **Federal Register**. The Administrative Committee agrees with OFR policy that does not allow **Federal Register** citations in codified CFR text. Appropriate citation in CFR text is to CFR sections only. **Federal Register** citations are appropriate for preambles of rulemaking documents.

Subpart B of Part 21

The Administrative Committee proposes to restructure the provisions found in subpart B of part 21. The proposed § 21.40 combines the provisions of the current §§ 21.40 and 21.51 without substantive changes and we are combining §§ 21.45 and 21.53 in the proposed § 21.44. Currently these two sets of provisions deal generally with authority citations and their form. The Administrative Committee believes that combining these two sets of general provisions will clarify basic authority citation requirements by placing all the general requirements together in two CFR sections, one for statutory and one for nonstatutory authorities. Additionally, this consolidation allows the Administrative Committee to make other usability changes, including redesignating, as § 21.45, the current § 21.42 regarding exceptions. The Administrative Committee believes that moving the exceptions provision to the end of the subpart allows the reader to understand the basic CFR requirements on authority citations before reading about exceptions.

Under this proposal, the current §§ 21.43 and 21.52 would be redesignated as §§ 21.42 and 21.43, respectively, to consolidate the numbering sequence of this subpart. When this subpart was initially developed there was a substantial gap in numbering to allow for additional sections. Over the past 30 years, no new sections have been added to this subpart so the Administrative Committee believes that renumbering the provisions to remove gaps is reasonable.

In addition to redesignating § 21.43 as § 21.42, the Administrative Committee proposes to revise this section so the broader requirements currently set out in paragraph (b) become paragraph (a) and the more specific requirements of this section become paragraph (b).

Proposed Changes to Part 22 and New Part 23

The Administrative Committee proposes to revise part 22 by removing sections related to publishing notice documents in the **Federal Register** and moving those sections to new part 23. The Administrative Committee believes that this change will clarify the distinction between the "Notices" and "Proposed Rules" sections of the daily issue of the **Federal Register**.

Regulatory Analysis

The Administrative Committee developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below is a summary of the Committee's determinations after analysis of these statutes and executive orders with respect to this rulemaking proceeding.

Executive Orders 12866 and 13563

The proposed rule has been drafted in accordance with Executive Order 12866, section 1(b), "The Principles of Regulation" and Executive Order 13563 "Improving Regulation and Regulatory Review." The Administrative Committee has determined that this proposed rule is a significant regulatory action as defined under section 3(f) of Executive Order 12866. The proposed rule has been submitted to the Office of Management and Budget under section 6(a)(3)(A) of Executive Order 12866.

Regulatory Flexibility Act

This proposed rule will not have a significant impact on small entities since it imposes no requirements on the public. Members of the public can access **Federal Register** publications for free through the Government Printing Office's Web site.

Federalism

This proposed rule has no federalism implications under Executive Order 13132. It does not impose compliance costs on state or local governments or preempt state law.

List of Subjects

1 CFR Part 1

Administrative practice and procedure.

1 CFR Part 2

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

1 CFR Part 3

Government publications, Organization and functions (Government agencies).

1 CFR Part 5

Administrative practice and procedure, **Federal Register**, Government publications.

1 CFR Part 6

Federal Register, Government publications.

1 CFR Part 8

Administrative practice and procedure, Code of Federal Regulations, Government publications.

1 CFR Part 11

Code of Federal Regulations, **Federal Register**, Government publications, Public Papers of Presidents of United States, United States Government Manual, Daily Compilation of Presidential Documents.

1 CFR Part 12

Code of Federal Regulations, **Federal Register**, Government publications, Public Papers of Presidents of United States, United States Government Manual, Daily Compilation of Presidential Documents.

1 CFR Part 15

Organization and functions (Government agencies).

1 CFR Part 16

Federal Register.

1 CFR Part 17

Federal Register.

1 CFR Part 18

Administrative practice and procedure, **Federal Register**.

1 CFR Part 19

Executive orders, **Federal Register**, Proclamations

1 CFR Part 20

United States Government Manual.

1 CFR Part 21

Administrative practice and procedure, Code of Federal Regulations, **Federal Register**.

1 CFR Part 22

Administrative practice and procedure, **Federal Register**.

1 CFR Part 23

Administrative practice and procedure, **Federal Register**.

For the reasons discussed in the preamble, under the authority at 44 U.S.C. 1506 and 1510, the Administrative Committee of the Federal Register, with the approval of the Archivist of the United States and the Attorney General, proposes to amend chapter I of title 1 of the Code of Federal Regulations as set forth below:

TITLE 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

SUBCHAPTER A—GENERAL

■ 1. Revise part 1 to read as follows:

PART 1—GENERAL INFORMATION

Sec.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189; 1 U.S.C. 112, 113.

§ 1.1 Scope and purpose.

(a) This chapter sets forth the policies, procedures, and delegations under which the Administrative Committee of the Federal Register carries out its general responsibilities.

(b) A primary purpose of this chapter is to inform the public and government agencies of the nature and uses of **Federal Register** publications.

§ 1.2 Definitions.

Definitions of terms as used in this chapter:

Administrative Committee means the Administrative Committee of the Federal Register, as set forth in § 1.3 of this chapter.

Agency means an executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States, whether or not within or subject to review by another agency, but not the legislative or judicial branches of the Government.

Director means the Director of the Federal Register.

Document means any Presidential proclamation or Executive order, and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument, issued, prescribed, or promulgated by a Federal agency.

Document having general applicability and legal effect means any document issued under proper authority prescribing a penalty or course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, members of a class, or persons in a locality, as distinguished from named individuals or organizations.

Filing means making a document available for public inspection at the Office of the Federal Register and online during official business hours. The Office of the Federal Register files a document only after it has been received, processed, and assigned a publication date according to the schedule in part 17 of this chapter.

OFR is the Office of the Federal Register.

Regulation and *rule* have the same meaning.

§ 1.3 Administrative Committee of the Federal Register.

(a) The Administrative Committee includes:

(1) The Archivist, or Acting Archivist, of the United States, who is the Chairman;

(2) An officer of the Department of Justice designated by the Attorney General; and

(3) The Public Printer or Acting Public Printer.

(b) The Director serves as the Secretary of the Committee, including at all official proceedings and executive sessions of the committee.

(c) Any material required by law to be filed with the Committee, and any correspondence, inquiries, or other material intended for the Committee or that relate to **Federal Register** publications must be sent to the Director.

§ 1.4 Office of the Federal Register; location; office hours.

(a) The Office of the Federal Register (the Office) is an office of the National Archives and Records Administration.

(b) The Office is located in Washington, DC.

(c) The mailing address is: Office of the Federal Register (F), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

(d) The courier or non-postal service delivery address is: The Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC 20002.

(e) Office hours are 8:45 a.m. to 5:15 p.m., Monday through Friday, except for official Federal holidays.

§ 1.5 General authority of Director.

(a) The Director is delegated authority to administer this chapter, the related provisions of the Federal Register Act, the pertinent provisions of other statutes, and any regulations issued pursuant to the Federal Register Act.

(b) The Director may return to the issuing agency any document submitted for publication in the **Federal Register**,

or special editions of the **Federal Register**, if, in the Director's judgment, the document does not meet the minimum requirements of this chapter.

§ 1.6 Authorized use.

Any person may reproduce or republish any material appearing in any regular or special edition of the **Federal Register**, except as provided in 36 CFR part 1200, which restricts the use of the National Archives and Records Administration's official seals and stylized Office of the Federal Register logos.

PART 2—[REMOVED]

■ 2. Remove part 2.

■ 3. Revise part 3 to read as follows:

PART 3—SERVICES TO THE PUBLIC

Sec.

Authority: 44 U.S.C. 1506, 1510; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 3.1 Information services.

(a) The Office of the Federal Register (the Office) provides information concerning the publications described in this chapter and the original acts and documents filed with the Office of the Federal Register as time permits.

(b) The Director administers the format and availability of the OFR.gov Web site in accordance with the Federal Register Act and the related public information statutes of the United States.

(c) The Office will not summarize or interpret substantive text of any statute or document.

§ 3.2 Public inspection of documents.

(a) Documents filed with the Office of the Federal Register for publication are available for public inspection at 800 North Capitol Street NW., Suite 700, Washington, DC 20002 during the Office of the Federal Register office hours, unless the OFR has been relocated to the National Archives and Records Administration's continuity of operations facility, *see* § 1.4 of this chapter.

(b) Documents are filed for public inspection at least one business day before publication in the **Federal Register**.

(c) Each document has a notation of the day and hour when it was filed and made available for public inspection.

(d)(1) The legally controlling version of a public inspection document is the official record filed at the Office of the Federal Register.

(2) OFR posts a full-text version of the filed document to its public inspection Web site shortly after making the document publicly available at its office.

(3) The filed document reflects the date and time of the official filing, which is when the document is available to the public at the OFR's office in Washington, DC. The official filing time is indicated on the document with a date/time stamp. The online posting time may vary, depending upon server usage and other factors, so it may be later than the official filing.

(4) The OFR updates the online public inspection site during official office hours only.

§ 3.3 Indexes and other ancillary guides to the Federal Register.

OFR provides ancillary indexes, guides, digests, user aids, lists, and search tools to help the public access the contents of the **Federal Register**.

§ 3.4 Indexes and other ancillary guides to the Code of Federal Regulations (CFR).

(a) The OFR publishes a subject index to the CFR that is annually revised and separately published.

(b) Other ancillary indexes, guides, digests, user aids, lists, and search tools may be provided as the Director considers appropriate, such as a parallel table of authorities and rules, a parallel table of agency documents and rules, and the "List of CFR Sections Affected."

(c) Agency-prepared indexes within CFR chapters may be published with the approval of the Director.

SUBCHAPTER B—THE FEDERAL REGISTER

■ 4. Revise part 5 to read as follows:

PART 5—PUBLICATION AND DELIVERY

Sec.

Authority: 44 U.S.C. 1506, 1510; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 5.1 Publication policy.

(a) The Director publishes a serial publication called the **Federal Register** to contain the following:

(1) Executive orders, proclamations, and other Presidential documents.

(2) Documents required to be published by law.

(3) Documents accepted for publication under § 5.3 of this part.

(b) Each document required or authorized to be filed for publication will publish according to the schedules in part 17 of this chapter.

(c) In issuing regulations governing headings, preambles, effective dates, authority citations, and similar matters of form, the Administrative Committee does not affect the substance and validity of any document that is filed and published under law.

§ 5.2 Documents required to be filed for public inspection and published.

The following documents are required to be filed for public inspection with the Office of the Federal Register and published in the **Federal Register**:

(a) Presidential proclamations and Executive orders in the numbered series, and each other document that the President orders for publication.

(b) Each document or class of documents required to be published by act of Congress.

(c) Each document having general applicability and legal effect.

§ 5.3 Publication of other documents.

Whenever the Director determines that it is in the public interest to publish a document not covered by § 5.2 of this part, the Director may allow that document to be filed for public inspection with the Office of the Federal Register and published in the **Federal Register** to the extent that such publication is consistent with the Federal Register Act or otherwise authorized by law.

§ 5.4 Publication not authorized.

(a) Comments and news items will not be published in the **Federal Register**.

(b) The Director will not accept any document for filing and publication unless it is the official action of the submitting agency.

§ 5.5 Supplement to the Code of Federal Regulations.

The **Federal Register** serves as a daily supplement to the *Code of Federal Regulations*. Each document that is subject to codification and published in a daily issue is incorporated into the *Code of Federal Regulations*.

§ 5.6 Daily publication.

The daily **Federal Register** is published by the Office of the Federal

Register each official Federal business day.

§ 5.7 Distribution.

The Government Printing Office will promptly distribute the **Federal Register** on each Federal business day. Monday editions of the **Federal Register** will be produced and distributed on the preceding Saturday.

§ 5.8 Form of citation.

Citations to the **Federal Register** within **Federal Register** documents must cite volume and page number, and use the short form "FR" for "**Federal Register**." For example, "37 FR 6803" refers to material beginning on page 6803 of volume 37 of the daily issue.

§ 5.9 Categories of documents.

Each document published in the **Federal Register** will be placed under one of the following categories, as indicated:

(a) *The President.* This category contains each Executive order or Presidential proclamation and other Presidential documents or orders that the President submits for publication.

(b) *Rules and regulations.* This category contains documents having general applicability and legal effect, except those covered by paragraph (a) of this section, including documents subject to codification in the *Code of Federal Regulations.* It also includes interpretative rules and denials of petitions for rulemaking.

(c) *Proposed rules.* This category includes:

(1) Documents that propose changes to regulations in the *Code of Federal Regulations;* and

(2) Documents that begin a rulemaking proceeding through advance notices of proposed rulemaking, petitions for rulemaking, or similar agency actions.

(d) *Regulatory notices.* This category includes:

(1) Documents containing Regulation Identifier Numbers that do not amend the *Code of Federal Regulations;*

(2) General policy statements concerning regulations;

(3) Paperwork Reduction Act notices;

(4) Announcements of public meetings, Sunshine Act notices, and other meeting notices that are directly related to agency regulations; and

(5) Statements of organization and function.

(e) *Notices.* This category:

(1) Contains other documents applicable to the public and not covered by paragraphs (a), (b), (c), and (d) of this section; and

(2) Includes announcements of public meetings and other information of public interest.

§ 5.10 Forms of publication.

(a) The Administrative Committee determines the official formats of the **Federal Register.** During an official meeting of the Administrative Committee, the Committee will review a request from the Director of the Federal Register to authorize specific official formats of the **Federal Register.** Each request will be a separate determination by the Administrative Committee.

(b) Factors considered by the Administrative Committee when determining a specific official format include:

(1) Availability;

(2) Cost;

(3) Technical capabilities; and

(4) Permanence of public access to the current and historical content.

(c) The Administrative Committee will publish a notice in the **Federal Register** announcing the manner and form of official formats of the **Federal Register.**

PART 6—[REMOVED]

■ 5. Remove part 6.

SUBCHAPTER C—SPECIAL EDITIONS OF THE FEDERAL REGISTER

■ 6. Revise part 8 to read as follows:

PART 8—CODE OF FEDERAL REGULATIONS

Sec.

Authority: 44 U.S.C. 1506, 1510; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 8.1 Policy.

(a) The Director of the Federal Register periodically publishes a special edition of the **Federal Register** called the *Code of Federal Regulations* (CFR) containing each Federal regulation of general applicability and legal effect.

(b) The Administrative Committee intends to use every practical means to keep the CFR as current, complete, reliable, and readily usable as possible, within limitations imposed by reasonable costs.

§ 8.2 Orderly development.

(a) To ensure orderly development of the CFR along practical lines, the Director may establish new titles in the CFR and rearrange existing titles and subordinate assignments.

(b) Before taking an action under this section, the Director will consult with each agency directly affected by the proposed change.

§ 8.3 Periodic updating.

(a) *Timeframe.* (1) Each annual volume of the CFR is updated at least once each calendar year.

(i) If no change in its contents has occurred during the year, a simple volume cover notation to that effect may serve as the supplement for that year.

(ii) If no change in its contents has occurred during the year, a simple notation appearing online to that effect may serve as the supplement for that year.

(2) The Director may provide for any unit of the CFR to be updated as frequently as necessary to maintain a current, complete, and readily usable codification, consistent with the intent and purpose of the Administrative Committee as stated in § 8.1 of this part.

(b) *Periodic publication.* The annual edition of the CFR will be produced over a 12-month period under a publication system to be determined by the Director.

(c) *Cutoff dates.* Each updated title of the CFR will include each amendment to that title published in the **Federal Register** and effective as a codified regulation on or before the "As of" date. For example, each title updated as of July 1 each year will include all amendatory documents that appeared in the daily **Federal Register** and became effective on or before July 1.

§ 8.6 Forms of publication.

(a) The Administrative Committee determines the official format of the CFR. During an official meeting of the Administrative Committee, the Committee will review a request from the Director of the Federal Register to authorize specific official formats of the *CFR.* Each request will be a separate determination by the Administrative Committee.

(1) Factors considered by the Administrative Committee when determining a specific official format include:

(i) Availability;

(ii) Cost;

(iii) Technical capabilities; and

(iv) Permanence of public access to the current and historical content.

(2) The Administrative Committee will publish a notice in the **Federal Register** announcing the manner and form of official formats of the CFR.

(b) The Director is authorized to regulate the style and layout of the *Code of Federal Regulations* according to the needs of users and compatibility with

the facilities of the Government Printing Office. The Director:

(1) May provide for the *Code of Federal Regulations* to be published in as many volumes as necessary; and

(2) Will oversee the organization and layout of the material in the online edition.

§ 8.7 Agency cooperation.

Each agency must cooperate in keeping publication of the CFR current by complying promptly with deadlines set by the Director.

§ 8.9 Form of citation.

Citations to the CFR within **Federal Register** documents must cite the CFR title and section using the short form "CFR." For example, "1 CFR 10.2" refers to Title 1, *Code of Federal Regulations,* part 10, section 2.

SUBCHAPTER D—AVAILABILITY OF OFFICE OF THE FEDERAL REGISTER PUBLICATIONS

■ 7. Revise part 11 to read as follows:

PART 11—SUBSCRIPTIONS

Sec.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709, 3 CFR, 1954–1958 Comp., p. 189.

§ 11.1 Subscription by the public.

The Government Printing Office produces the paper edition of the publications described in § 2.5 of this chapter, and the Superintendent of Documents, Government Printing Office, Washington, DC 20402, sells them to the public. All fees are payable in advance to the Superintendent of Documents, Government Printing Office. They are not available for free distribution to the public.

§ 11.2 Federal Register.

(a) The subscription price for the paper edition of the daily **Federal Register** is $749 per year. A combined subscription to the daily **Federal Register**, the monthly Federal Register Index, and the monthly LSA (*List of CFR Sections Affected*) is $808 per year for the paper edition. Six-month subscriptions for the paper edition are also available at one-half the annual rate. Those prices exclude delivery costs. Delivery rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including delivery costs, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages.

(b) The online edition of the **Federal Register**, issued under the authority of the Administrative Committee, is available through the Government Printing Office's Web site.

§ 11.3 Code of Federal Regulations.

(a) The subscription price for a complete set of the *Code of Federal Regulations* is $1,019 per year for the bound, paper edition. Those prices exclude delivery costs. Delivery rates will be applied to orders according to the delivery method requested. The Government Printing Office sells individual volumes of the paper edition of the *Code of Federal Regulations* at prices determined by the Superintendent of Documents under the general direction of the Administrative Committee.

(b) The online edition of the *Code of Federal Regulations,* issued under the authority of the Administrative Committee, is available through the Government Printing Office's Web site.

§ 11.5 Public Papers of the Presidents of the United States.

Copies of annual clothbound volumes are sold at a price determined by the Superintendent of Documents under the general direction of the Administrative Committee.

§ 11.7 Federal Register Index.

The annual subscription price for the monthly Federal Register Index, purchased separately, in paper form, is $29. The price excludes delivery costs. Delivery rates will be applied to orders according to the delivery method requested.

§ 11.8 LSA (List of CFR Sections Affected).

The annual subscription price for the monthly LSA (List of CFR Sections Affected), purchased separately, in paper form, is $30. The price excludes delivery costs. Delivery rates will be applied to orders according to the delivery method requested.

8. Revise part 12 to read to read as follows:

PART 12—OFFICIAL DISTRIBUTION WITHIN FEDERAL GOVERNMENT

Sec.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 12.1 Federal Register.

(a) The **Federal Register**, issued under the authority of the Administrative Committee, is officially maintained online and is available on the Government Printing Office's Web sites.

(b) Copies of the daily **Federal Register** in paper will be made available to the following without charge:

(1) *Members of Congress.* Each Senator and each Member of the House of Representatives will be provided with one copy of each daily issue in response to a written request to the Director.

(2) *Congressional committees.* Each committee of the Senate and the House of Representatives will be provided with one copy for official use in response to a written request from the chairperson, or authorized delegate, to the Director.

(3) *Supreme Court.* The Supreme Court will be provided with one copy for official use in response to a written request to the Director.

(4) *Other courts.* Other constitutional or legislative courts of the United States will be provided with one copy for official use in response to a written request from the Director of the Administrative Office of the U.S. Courts, or authorized delegate, to the Director.

(5) *Executive agencies.* Each Federal executive agency will be provided with one copy for official use in response to a written request from the agency Federal Register authorizing officer, or the alternate, designated under § 16.1 of this chapter, to the Director.

(c) Requisitions for quantity overruns of specific issues to be paid for by the agency are available as follows:

(1) To meet its needs for special distribution of the **Federal Register** in substantial quantity, any agency may request an overrun of a specific issue.

(2) An advance printing and binding requisition on Standard Form 1 must be submitted by the agency directly to the Government Printing Office, to be received not later than noon on the Federal business day before publication.

(d) Requisitions for quantity overruns of separate part issues to be paid for by the agency are available as follows:

(1) Whenever the Director determines it to be in the public interest, one or more documents may be published as a separate part (that is, Part II, Part III) of the **Federal Register.**

(2) Advance arrangements for this service must be made with the Office of the Federal Register.

(3) Any agency may request an overrun of such a separate part by submitting an advance printing and

binding requisition on Standard Form 1 directly to the Government Printing Office, to be received not later than 12 noon on the Federal business day before the publication date.

(e) An agency may order limited quantities of extra copies of a specific issue of the **Federal Register** for official use, from the Superintendent of Documents, to be paid for by that agency.

§ 12.2 Code of Federal Regulations.

(a)(1) The CFR, issued under the authority of the Administrative Committee, is officially maintained online and is available through the Government Printing Office's Web site.

(2) One copy of the CFR means one complete set of the annual paper edition of the codification of the general and permanent rules.

(b) Copies of the CFR in paper will be made available to the following without charge:

(1) *Congressional committees.* Each committee of the Senate and House of Representatives will be provided with one copy for official use in response to a written request to the Director from the committee chairperson, or authorized delegate.

(2) *Supreme Court.* The Supreme Court will be provided with one copy for official use in response to a written request to the Director of the Federal Register.

(3) *Other courts.* Other constitutional and legislative courts of the United States will be provided with one copy for official use in response to a written request to the Director from the Director of the Administrative Office of the U.S. Courts.

(4) *Executive agencies.* Each Federal executive agency will be provided with one copy for official use in response to a written request to the Director from the agency Federal Register authorizing officer, or the alternate, designated under § 16.1 of this chapter.

(c) Legislative, judicial, and executive agencies of the Federal Government may obtain additional copies of selected units of the CFR, at cost, for official use, by submitting a printing and binding requisition to the Government Printing Office on Standard Form 1 before the press run.

(d) After the press run, each request for extra copies of selected units of the CFR must be addressed to the Superintendent of Documents, to be paid for by the agency making the request.

§ 12.5 Public Papers of the Presidents of the United States.

(a) Copies of the Public Papers of the Presidents of the United States will be made available to the following without charge:

(1) *Members of Congress.* Each Senator and each Member of the House of Representatives will be provided with one copy of each annual publication published during the Member's term in office, in response to a written request to the Director.

(2) *Supreme Court.* The Supreme Court will be provided with 1 copy of each publication in response to a written request to the Director.

(3) *Executive agencies.* Each head of a Federal executive agency will be provided with one copy of each annual publication in response to a written request to the Director from the agency Federal Register authorizing officer, or the alternate, designated under § 16.1 of this chapter.

(b) Legislative, judicial, and executive agencies of the Federal Government may obtain additional copies, at cost, for official use, by submitting a printing and binding requisition to the Government Printing Office on Standard Form 1 before the press run.

(c) After the press run, each request for extra copies must be addressed to the Superintendent of Documents, to be paid for by the agency making the request.

SUBCHAPTER E—PREPARATION, TRANSMITTAL, AND PROCESSING OF DOCUMENTS

■ 9. Revise part 15 to read to read as follows:

PART 15—SERVICES TO FEDERAL AGENCIES

Sec.
15.1 Information services.
15.2 Staff assistance.
15.3 Information on drafting and publication.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 15.1 Information services.

The Director of the Federal Register answers appropriate inquiries presented in person, by telephone, or in writing. Send written communications, including those involving the Administrative Committee, to the Director, Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, telephone number: 202–741–6000. For delivery by courier, send communications to 800 North Capitol Street NW., Suite 700, Washington DC 20002. Send emails to *fedreg.info@nara.gov.*

§ 15.2 Staff assistance.

The staff of the OFR provides informal assistance and advice to officials of the various agencies with respect to general or specific programs of regulatory drafting, procedures, and promulgation practices. Communications related to unpublished documents remain confidential under § 17.1 of this chapter.

§ 15.3 Information on drafting and publication.

(a) The Director may prepare and distribute to agencies information and instructions on drafting documents for publication.

(b) The Director may develop and conduct programs of technical instruction.

■ 10. Revise part 16 to read to read as follows:

PART 16—AGENCY REPRESENTATIVES

Sec.
16.1 Designation.
16.2 Liaison *and COOP liaison* duties.
16.3 Certifying duties.
16.4 Authorizing duties.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 16.1 Designation.

(a) Each agency must designate officers or employees of that agency to serve as **Federal Register** contacts. The same person may be designated to serve in one or more of these contact positions:

(1) A liaison officer and at least one alternate.

(2) A certifying officer and at least one alternate.

(3) An authorizing officer and at least one alternate.

(4) A COOP liaison officer and any alternates.

(b) In choosing its liaison officer, each agency should consider that this officer will be the main contact between that agency and the OFR and that the liaison officer will be charged with the duties set forth in § 16.2 of this part. The agency should choose a person who is directly involved in the agency's regulatory program.

(c) Each agency must notify the Director of the name, title, mailing address, telephone number, and email address of each person it designates under this section. Each agency must promptly notify the Director of any changes.

§ 16.2 Liaison and COOP liaison duties.

(a) Each agency liaison officer and alternate must:

(1) Represent the agency in all matters relating to the submission of documents to the OFR, and respecting general compliance with this chapter;

(2) Coordinate with their agency billing authority and ensure that the correct agency billing address code is included with each document submitted to the OFR for publication;

(3) Be responsible for the effective distribution and use within the agency of **Federal Register** information on document drafting and publication assistance authorized by § 15.3 of this chapter;

(4) Promote the agency's participation in the technical instruction authorized by § 15.3 of this chapter; and

(5) Be available to discuss documents submitted for publication with the editors of the **Federal Register**.

(b) For continuity of operations purposes, each agency must:

(1) Provide the Director with the names of agency officials authorized to act as liaisons during an emergency (COOP liaisons); and

(2) Ensure that the COOP liaisons designated under (b)(1) of this section know how to contact staff of the OFR and to draft and submit documents to the OFR.

(i) During an emergency, COOP liaisons will be responsible for:

(A) Certifying to OFR staff that documents in their possession are official agency actions, signed, and authorized for publication;

(B) Maintaining custody of original documents, unedited or otherwise unchanged in a safe location during an emergency; and

(C) Submitting original documents to the OFR as soon as practicable during an emergency.

(ii) [Reserved]

§ 16.3 Certifying duties.

The agency certifying officer is responsible for attaching the required number of true copies of each original document submitted by the agency to the OFR and for making the certification required by § 18.6 of this chapter.

§ 16.4 Authorizing duties.

The agency authorizing officer is responsible for furnishing to the Director a current mailing list of officers or employees of the agency who are authorized to receive the **Federal Register** and the *Code of Federal Regulations*.

■ 11. Revise part 17 to read as follows:

PART 17—FILING FOR PUBLIC INSPECTION AND PUBLICATION SCHEDULES

Subpart A—Receipt and Processing

Subpart B—Regular Schedule

Subpart C—Emergency Schedule

Subpart D—Deferred Schedule

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

Subpart A—Receipt and Processing

§ 17.1 Receipt and processing.

(a) The OFR receives documents only during official business hours unless, in the judgment of the Director, the public interest is served by receiving a document at some other time.

(b) Upon receipt, each document is held for confidential processing until it is filed for public inspection.

Subpart B—Regular Schedule

§ 17.2 Procedure and timing for regular schedule.

(a) Each document received is filed for public inspection only after it has been received, processed, and assigned a publication date.

(b)(1) Each document received by 2:00 p.m. that meets the requirements of this chapter will be assigned to the regular schedule. Unless the issuing agency makes special arrangements otherwise, or the OFR determines that the document requires a deferred schedule (see § 17.7 of this part), we consider receipt of a document by 2:00 p.m. to be a request for filing for public inspection and publication on the regular schedule.

(2) Documents received after 2:00 p.m. that meet the requirements of this chapter will be assigned to the next Federal business day's regular schedule.

(c) The regular schedule for filing for public inspection and publication is found in Table 1 of this section. Where a legal Federal holiday intervenes, one additional business day is added.

TABLE 1

Received before 2:00 p.m.	Filed for public inspection	Published
Monday	Wednesday	Thursday.
Tuesday	Thursday	Friday.
Wednesday	Friday	Monday.
Thursday	Monday	Tuesday.
Friday	Tuesday	Wednesday.

Subpart C—Emergency Schedule

§ 17.3 Criteria for emergency publication.

The emergency schedule is designed to provide the fastest possible publication of a document involving the prevention, alleviation, control, or relief of an emergency situation.

§ 17.4 Procedure and timing for emergency publication.

(a)(1) Each agency requesting publication on the emergency schedule must briefly describe the emergency and the benefits to be attributed to immediate publication in the **Federal Register**.

(2) The request must be made by letter to the Director.

(b) The Director assigns a document to the emergency schedule whenever the Director agrees that there is a need for the document to publish outside of the regular publication schedule and it is feasible.

(c) Each document assigned to the emergency schedule is published as soon as possible.

(d) Each document assigned to the emergency schedule for publication will be filed for public inspection on the Federal business day before publication unless emergency filing for public inspection is also requested.

§ 17.5 Criteria for emergency filing for public inspection.

(a) An agency may request emergency filing for public inspection for documents to be published under the regular, emergency, or deferred publication schedules.

(b) Emergency filing for public inspection is considered a special arrangement under § 17.2 of this part that results in deviation from the regular schedule for filing for public inspection.

(c) A document receiving emergency filing for public inspection remains on public inspection until it is published according to the schedule for publication.

§ 17.6 Procedure and timing for emergency filing for public inspection.

(a)(1) Each agency requesting emergency filing for public inspection must briefly describe the emergency and the benefits to be attributed to immediate public access.

(2) The request must be made by letter to the Director.

(b) The Director approves an emergency filing for public inspection request whenever the Director agrees with the need for that action and it is feasible.

(c) Each document approved for emergency filing for public inspection is filed as soon as possible following processing and scheduling.

Subpart D—Deferred Schedule

§ 17.7 Criteria for deferred schedule.

(a) OFR staff may assign a document to the deferred schedule when a document meets one of the following conditions:

(1) Conditions exist that require extraordinary processing time. These conditions may exist if the document:

(i) Is lengthy;

(ii) Contains technical problems; or

(iii) Contains unusual or lengthy tables, or illustrations; or

(2) The issuing agency requests a deferred publication date.

(b) OFR staff notifies the agency if its documents must be assigned to a deferred schedule.

■ 12. Revise part 18 to read as follows:

PART 18—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

Sec.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 18.1 Original and copies required.

Each agency submitting a document to be filed and published in the **Federal Register** must submit:

(a) An originally signed document; and

(b) Two duplicate signed originals or two certified copies, unless submitted under the terms of § 18.4(b) of this part.

§ 18.2 Prohibition on combined category documents.

(a) The Director will not accept a document for filing and publication if it seeks to combine regulatory material that must appear under separate categories in the **Federal Register**, as set forth in 1 CFR 5.9 of this chapter. For example, a document may not serve as both a rule and a notice of proposed rulemaking.

(b) When two related documents are to be published in the same **Federal Register** issue, the agency may insert a cross-reference in each document.

§ 18.3 Submission of documents and letters of transmittal.

(a) Each document authorized or required by law to be filed for public inspection with the OFR and published in the **Federal Register** must be sent to the Director.

(b) A letter of transmittal is required in cases involving special handling or treatment of documents submitted for publication.

§ 18.4 Form of document.

(a) A document in the form of a letter or press release will not be accepted for filing for public inspection or publication in the Rules and Regulations, Proposed Rules, Regulatory Notices, or Notices categories of the **Federal Register**.

(b) Original documents submitted electronically and authenticated by digital signatures that are consistent with applicable Federal standards and OFR technical specifications may be accepted for publication.

§ 18.5 [Reserved]

§ 18.6 Form of certification.

(a) Each paper copy of every document submitted for filing and publication under the terms of § 18.1(b) of this part, except a Presidential document or a duplicate original, must be certified as follows:

(Certified to be a true copy of the original)

(b) The certification must be signed by a certifying officer designated under § 16.1 of this chapter.

§ 18.7 Signature.

(a) The original and each duplicate original document must be signed in ink, with the name and title of the official signing the document typed or stamped beneath the signature.

(b) Initialed or impressed signatures will not be accepted.

(c) Documents submitted under § 18.4(b) of this part may be authenticated as original documents by digital signatures.

§ 18.8 [Reserved]

§ 18.9 Style.

Each document submitted by an agency for filing and publication should conform to the current edition of the U.S. Government Printing Office Style Manual in punctuation, capitalization, spelling, and other matters of style. The U.S. Government Printing Office Style Manual is available on the Government Printing Office's Web site.

§ 18.10 Illustrations, tabular material, and forms.

(a) If it is necessary to publish a form or illustration, a clear and legible original form or illustration must be included in the original document and each certified copy.

(b) A document that includes tabular material may be assigned to the deferred publication schedule. *See* § 17.7 of this subchapter.

§ 18.11 Required document headings.

(a) Each document submitted to the OFR must contain the following headings, when appropriate, on separate lines in the following order:

(1) Agency name;

(2) Subagency name;

(3) Numerical references to the title and parts of the CFR affected;

(4) Agency docket numbers and identification numbers in brackets (such as RINs), as applicable.

(5) Central information system identification numbers, as applicable.

(6) Brief subject heading describing the document.

§ 18.12 Preamble requirements.

(a) All documents submitted for publication must include a preamble that will inform the reader, who is not an expert in the subject area, of the basis and purpose for the rule or proposal, or a basic explanation of the notice document.

(b) The preamble must be in the following format and contain the following information:

AGENCY:

(Name of issuing agency.)

ACTION:

(Possible ACTION lines include: Notice, Advance notice of proposed rulemaking, Proposed rule, Rule, and Final rule.)

SUMMARY:

(Brief statements, in simple language, describing the action being taken, the circumstances which created the need for the action, and the intended effect of the action.)

DATES:

(Possible DATES include: Comments must be received on or before: , Proposed effective date: , Effective date: , and Hearing: .)

ADDRESSES

(Any relevant addresses.)

FOR FURTHER INFORMATION CONTACT:

(For Executive departments and agencies, the name, telephone number, and email address of a person in the agency to contact for additional information about the document.)

SUPPLEMENTARY INFORMATION:

(c) The agency may include the following information in the supplementary information section of the preamble, as applicable:

(1) A discussion of the background and major issues involved;

(2) In the case of a final rule, any significant differences between it and the proposed rule;

(3) A response to substantive public comments received;

(4) Any other information the agency considers appropriate; and

(5) Any determination or analysis required by law or order.

§ 18.13 Withdrawal or correction of filed documents.

(a) *Withdrawing documents.* (1) A document that has been filed for public inspection with the OFR but not yet published may be withdrawn from publication by the submitting agency only when the agency certifies that withdrawal is necessary to address an emergency or avert a violation of law.

(2) An agency requesting withdrawal of a document on file for public inspection must submit a timely letter signed by an authorized representative of the agency certifying that the withdrawal is necessary under paragraph (a)(1) of this section.

(3) Agency requests for withdrawal of a document on file for public inspection will be accommodated only when the request does not impose a burden on the production of the daily **Federal Register**.

(4) The originally-filed document will be removed from public inspection on the business day OFR receives the withdrawal letter.

(5) The withdrawing letter will remain on file for public inspection through the date the document would have been published in the **Federal Register**.

(6) The original document and the withdrawing letter will be retained by the OFR after the public inspection period expires.

(b) *Correcting documents.* (1) A document that has been filed for public inspection with the OFR, but has not yet published, may be corrected only if the submitting agency certifies that correction is necessary to address an emergency or avert a violation of law.

(2) An agency requesting corrections to a document on file for public inspection must submit a timely letter signed by an authorized representative of the agency certifying that the correction is necessary under paragraph (b)(1) of this section.

(3) Agency correction requests will be accommodated only when the request does not impose a burden on the production of the daily **Federal Register**.

(4) The originally-filed document will be removed from public inspection at the close of business the day OFR receives the letter requesting corrections.

(5) The letter requesting corrections will remain on file for public inspection through the date the document publishes in the **Federal Register**.

(6) The original document and the correcting letter will be retained by the OFR after the public inspection period expires.

§ 18.15 Correction of errors in printing.

(a) Typographical or clerical errors made in the printing of the **Federal Register** will be corrected by insertion of an appropriate notation or a reprinting in the **Federal Register** published without further agency documentation, if the Director determines that:

(1) The error would tend to confuse or mislead the reader; or

(2) The error would affect text subject to codification.

(b) The issuing agency must review published documents and notify the OFR of printing errors found in published documents.

(c) If the error was in the document as submitted by the agency or certified electronic file submitted with the original document, the issuing agency must prepare and submit a correction document for publication in the **Federal Register**.

§ 18.16 Reinstatement of expired regulations.

To reinstate expired regulations agencies must republish the regulations in full text in the **Federal Register**.

§ 18.17 Effective dates and time periods.

(a) Each document submitted for publication in the **Federal Register** that includes an effective date or time period should either set forth a date certain or a time period measured by a certain number of days after publication in the **Federal Register**.

(b) When a document sets forth a time period measured by a certain number of days after publication, OFR staff will compute the date to be inserted in the document as set forth in paragraph (c) of this section.

(c) Dates will be computed by counting the day after the publication day as one, and by counting each succeeding day, including Saturdays, Sundays, and Federal holidays. Where the final count would fall on a Saturday, Sunday, or Federal holiday, the date certain will be the next Federal business day.

(d) If an effective date depends on Congressional action, or if an act of Congress or a Federal court decision establishes or changes the effective date of an agency's rule, the issuing agency must promptly publish a document in the "Rules and Regulations" section of the **Federal Register** announcing the effective date.

(e) To extend the effective period of a temporary rule, agencies must submit a document extending the effective date before the expiration of the original effective date.

§ 18.20 Identification of subjects in agency regulations.

(a) ***Federal Register*** *documents.* Each agency that submits a document for publication in the Rules and Regulations section or the Proposed Rules section of the **Federal Register** must:

(1) Include a list of index terms for each *Code of Federal Regulations* part affected by the document; and

(2) Place the list of index terms as the last item in the Supplementary Information portion of the preamble for the document.

(b) ***Federal Register Thesaurus.*** To prepare its list of index terms, each agency must use terms contained in the **Federal Register Thesaurus of Indexing**

Terms. Agencies may also include additional terms not contained in the Thesaurus as long as they are appropriate.

■ 13. Revise part 19 to read as follows:

PART 19—EXECUTIVE ORDERS AND PRESIDENTIAL PROCLAMATIONS

Sec.
19.1 Form.
19.2 Routing and approval of drafts.
19.3 Routing and certification of originals and copies.
19.4 Proclamations calling for the observance of special days or events.
19.5 Proclamations of treaties excluded.
19.6 Definition.

Authority: Secs. 1 to 6 of E.O. 11030, 27 FR 5847, 3 CFR, 1959–1963 Comp., p. 610; E.O. 11354, 32 FR 7695, 3 CFR, 1966–1970 Comp., p. 652; and E.O. 12080, 43 FR 42235, 3 CFR, 1978 Comp., p. 224; E.O. 12608, 52 FR 34617, 3 CFR, 1987 Comp., p. 245; E.O. 13403, 71 FR 28543, 3 CFR, 2006 Comp., p. 228.

§ 19.1 Form.

Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the U.S. Government Printing Office Style Manual.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by section 2 of the Act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be prepared on paper approximately 8½ x 14 inches, shall have a left-hand margin of approximately 1 inch and a right-hand margin of approximately 1 inch, and shall be double-spaced except that quotations, tabulations, and descriptions of land may be single-spaced.

(g) Proclamations issued by the President shall conclude with the following-described recitation:

IN WITNESS WHEREOF, I have hereunto set my hand this __ day of ____, in the year of our Lord ____, and of the Independence of the United States of America the ____.

§ 19.2 Routing and approval of drafts.

(a) A proposed Executive order or proclamation shall first be submitted to the Director of the Office of Management and Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Office of Management and Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the proposed Executive order or proclamation is disapproved by the Director of the Office of Management and Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

§ 19.3 Routing and certification of originals and copies.

(a) If the order or proclamation is signed by the President, the original and two copies shall be forwarded to the Director of the Federal Register for publication in the **Federal Register**.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in paragraph (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

§ 19.4 Proclamations calling for the observance of special days or events.

Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events, shall be assigned by the Director of the Office of Management and Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least 60 days before the date of the specified observance. Notwithstanding the provisions of § 19.2, the Director shall transmit any approved commemorative proclamations to the President.

§ 19.5 Proclamations of treaties excluded.

Consonant with the provisions of chapter 15 of title 44 of the United States Code (44 U.S.C. 1511), nothing in these regulations shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

§ 19.6 Definition.

The term "Presidential proclamations and Executive orders," as used in chapter 15 of title 44 of the United States Code (44 U.S.C. 1505(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

PART 20—[REMOVED]

■ 14. Remove part 20.

■ 15. Revise part 21 to read as follows:

PART 21—PREPARATION OF DOCUMENTS FOR CODIFICATION

Subpart A—General

Sec.
21.1 Definitions.
21.2 Codification and amendatory language.
21.6 Notice of expiration of codified material.
21.7 Titles and subtitles.
21.8 Chapters and subchapters.
21.9 Parts, subparts, and undesignated center headings.
21.10 Sections and paragraphs.
21.11 Standard organization of the Code of Federal Regulations.
21.12 Reserving part or section numbers.
21.14 Deviations from standard organization of the Code of Federal Regulations.
21.16 Required document headings.
21.18 Tables of contents.
21.19 Composition of part headings.
21.20 Amendment drafting requirements.
21.21 Internal reference drafting requirements.
21.23 Cross-reference drafting requirements.
21.24 References to 1938 edition of Code of Federal Regulations.
21.30 Effective date statement.
21.35 OMB control numbers.

Subpart B—Citations of Authority

21.40 General authority citation requirements.
21.41 Agency responsibility.
21.42 Placing and amending authority citations.
21.43 Citation to statutory material.
21.44 Citation to nonstatutory materials.
21.45 Exceptions to placement and form.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

Subpart A—General

§ 21.1 Definitions.

As used in this part:

Undesignated center heading means the heading given to a portion of text where the heading has no numerical designation or reference, and appears after the part heading to a group-related section.

Words of issuance are the tie between the document and the CFR units affected and the bridge between the preamble of the document and the regulatory changes.

§ 21.2 Codification and amendatory language.

(a) Each agency that prepares a document that is subject to codification must draft it as an amendment to the *Code of Federal Regulations,* in accordance with this subchapter, before submitting it to the OFR.

(b) Each agency that prepares a document that is subject to codification must include words of issuance and amendatory language that precisely describe the relationship of the new provisions to the CFR.

§ 21.6 Notice of expiration of codified material.

Whenever a codified regulation expires after a specified period by law or by court order, the issuing agency must submit a rule document for publication in the **Federal Register** removing the expired regulations.

§ 21.7 Titles and subtitles.

(a) The major divisions of the CFR are titles, each of which brings together broadly related Government functions.

(b)(1) Subtitles may be used to distinguish between materials emanating from an overall agency and the material issued by its various components.

(2) Subtitles may also be used to group chapters within a title.

§ 21.8 Chapters and subchapters.

(a) The normal divisions of a title are chapters, assigned to the various agencies within a title descriptive of the subject matter covered by the agencies' regulations.

(b) Subchapters may be used to group related parts within a chapter.

(c) Chapter and subchapter assignments are made by the OFR after agency consultation.

§ 21.9 Parts, subparts, and undesignated center headings.

(a) The normal divisions of a chapter are parts, consisting of a unified body of regulations applying to a specific function or program of an issuing agency or devoted to specific subject matter under the control of that agency.

(b)(1) Subparts or undesignated center headings may be used to group related sections within a part.

(2) Undesignated center headings may also be used to group sections within a subpart.

§ 21.10 Sections and paragraphs.

(a) The normal divisions of a part are sections. Sections are the basic units of the CFR.

(b) A section may be divided into paragraphs. Paragraphs may be further subdivided using the system provided in § 21.11 of this part.

§ 21.11 Standard organization of the Code of Federal Regulations.

The standard organization consists of the following structural units:

(a) Titles are numbered consecutively using Arabic numerals throughout the CFR;

(b) Subtitles are lettered consecutively using capital letters throughout the title;

(c) Chapters are numbered consecutively using capitalized Roman numerals throughout each title;

(d) Subchapters are lettered consecutively using capital letters throughout the chapter;

(e) Parts are numbered using Arabic numerals throughout each title;

(f) Subparts are lettered using capital letters;

(g)(1) Sections are numbered using Arabic numerals throughout each part.

(2) A section number includes the number of the part followed by a period and the number of the section. For example, the section number for section 15 of part 21 is "§ 21.15"; and

(h) Paragraphs are designated as follows:

(1) Level 1: (a), (b), (c), etc.

(2) Level 2: (1), (2), (3), etc.

(3) Level 3: (i), (ii), (iii), etc.

(4) Level 4: (A), (B), (C), etc.

§ 21.12 Reserving part or section numbers.

Chapters or structural units within chapters may be reserved to allow for expansion.

§ 21.14 Deviations from standard organization of the Code of Federal Regulations.

(a) The Director may approve a deviation from standard *Code of Federal Regulations* designations.

(b) Agencies must submit written requests for approval, along with a draft copy of the document, at least ten Federal business days before the agency intends to submit the document for publication.

(c) The Director may allow section numbers to correspond to a particular numbering system requested by an agency only if the alternative numbering system will benefit the public.

§ 21.16 Required document headings.

Each section in the regulatory text of the document must have a brief descriptive heading, preceding the text, on a separate line.

§ 21.18 Tables of contents.

(a) A table of contents must be used at the beginning of the part whenever:

(1) A new part is introduced;

(2) An existing part is completely revised; or

(3) A group of sections is revised or added and set forth as a subpart or otherwise separately grouped under a center head.

(b) The table of contents follows the part heading before the text of the regulations in that part.

(c) The table of contents lists the headings for the subparts, undesignated center headings, sections in the part, and appendix headings to the part and subpart, as applicable.

§ 21.19 Composition of part headings.

(a) Each part heading indicates briefly the general subject matter of the part.

(b) Phrases that are not descriptive of the subject matter, such as "Regulations under the Act of July 28, 1955" or other expressions, may not be used.

(c) Non-descriptive introductory expressions such as "Regulations governing" and "Rules applicable to" may not be used.

§ 21.20 Amendment drafting requirements.

(a) Each document that amends or includes regulatory text that proposes to amend the CFR must identify in specific terms the unit amended and the extent of the changes made.

(b) The number and heading of each section amended must be set forth in full on a separate line.

§ 21.21 Internal reference drafting requirements.

(a)(1) Each reference to the *Code of Federal Regulations* must be in terms of the specific titles, chapters, parts, sections, and paragraphs involved.

(2) Ambiguous references such as "herein," "above," "below," "now," "today," and similar expressions may not be used.

(b) Each document that contains a reference to material published in the CFR must include the CFR citation as a part of the reference.

§ 21.23 Cross-reference drafting requirements.

(a) Each agency publishes its own regulations in full text in the *Code of Federal Regulations.*

(b) Cross-references to the regulations of another agency may not be used as a substitute for publication in full text, unless the OFR finds that the regulation meets any of the following exceptions:

(1) The reference is required by court order, statute, Executive order or reorganization plan.

(2) The reference is to regulations promulgated by an agency with the exclusive legal authority to regulate in a subject matter area, but the referencing agency needs to apply those regulations in its own programs.

(3) The reference is informational or improves clarity rather than being regulatory.

(4) The reference is to Federal agency-produced test methods or standards that have replaced or preempted private sector-produced voluntary test methods or consensus standards in a subject matter area and the referenced Federal agency test methods or standards are published in full in the CFR.

(5) The reference is to the Department level from a subagency.

§ 21.24 References to 1938 edition of Code of Federal Regulations.

When reference is made to material codified in the 1938 edition of the *Code of Federal Regulations,* or a supplement thereto, the following forms may be used, as appropriate:

__ CFR, 1938 Ed., __.
__ CFR, 1943, Cum. Supp., __.
__ CFR, 1946 Supp., __.

§ 21.30 Effective date statement.

Each document subject to codification must include a clear statement as to the date or dates upon which its contents become effective following the procedures found in § 18.17 of this subchapter.

§ 21.35 OMB control numbers.

To display required OMB control numbers in agency regulations, those numbers must be placed parenthetically at the end of the section or displayed in a table or codified section.

Subpart B—Citations of Authority

§ 21.40 General authority citation requirements.

(a) Each section subject to codification in a document must include a complete citation of the authority under which the section is issued, including:

(1) General or specific authority delegated by statute; and

(2) Executive delegations, if any, necessary to link the statutory authority to the issuing agency.

(b) Formal citations of authority must be in the shortest citation format for easy reference.

(c) The OFR will assist agencies in developing model citations.

§ 21.41 Agency responsibility.

(a) Each issuing agency is responsible for the accuracy and integrity of the citations of authority in the documents it issues.

(b) Each issuing agency must formally amend the citations of authority in its codified material to reflect any changes.

§ 21.42 Placing and amending authority citations.

(a) The agency must publish a centralized authority citation in the CFR.

(1) The authority citation must appear at the end of the table of contents for a part or after each subpart heading within the text of a part.

(2) Citations of authority for particular sections may be specified within the centralized authority citation.

(b) The requirements for placing authority citations in a document published in the **Federal Register** vary with the type of amendment the agency is making in a document. The agency must set out the full text of the authority citation for each part affected by the document.

(1) If a document sets out an entire part of the CFR, the agency must place the complete authority citation directly after the table of contents and before the regulatory text.

(2) If a document amends only certain sections within a CFR part, the agency must place the complete authority citation to this part as the first item in the list of amendments.

(i) If the authority for issuing an amendment is the same as the authority listed for the whole part of the CFR, the agency must restate the authority.

(ii) If the authority for issuing an amendment changes the authority citation for the whole part of the CFR, the agency must revise the authority citation in its entirety. The agency may specify the particular authority under which certain sections are amended in the revised authority citation.

(c) Citation in the CFR to a nonstatutory document as authority must be placed after the statutory citations.

§ 21.43 Citation to statutory material.

(a) *United States Code.* All citations to statutory authority must include a United States Code citation, where available. Citations to titles of the United States Code may be cited without Public Law or U.S. Statutes at Large citation. For example:

Authority: 10 U.S.C. 501.

(b) *Public Laws and U.S. Statutes at Large.* (1) Citations to Public Laws and U.S. Statutes at Large are optional when the United States Code is cited.

(2) Citations to current Public Laws and to the U.S. Statutes at Large must refer to the section of the Public Law and the volume and page of the U.S. Statutes at Large to which they have been assigned. The page number must refer to the page on which the section cited begins. For example:

Authority: Sec. 5, Pub. L. 89–670, 80 Stat. 935 (49 U.S.C. 1654); sec. 313, Pub. L. 85–726, 72 Stat. 752 (49 U.S.C. 1354).

§ 21.44 Citation to nonstatutory materials.

(a) *Form.* Nonstatutory documents must be cited by document designation and by **Federal Register** volume and page, followed, if possible, by the parallel citation to the *Code of Federal Regulations.* For example:

Authority: Special Civil Air Reg. SR–422A, 28 FR 6703, 14 CFR part 4b; E.O. 11130, 28 FR 12789; 3 CFR 1959–1963 Comp.

(b) *Placement.* Citation to a nonstatutory document as authority must be placed after the statutory citations. For example:

Authority: Sec. 9, Pub. L. 89–670, 80 Stat. 944 (49 U.S.C. 1657). E.O. 11222, 30 FR 6469, 3 CFR, 1965 Comp., p. 10.

§ 21.45 Exceptions to placement and form.

The Director may make exceptions to the requirements of this subpart relating to placement and form of citations of authority.

■ 16. Revise part 22 to read as follows:

PART 22—PREPARATION OF PROPOSED RULES

Sec.
22.1 General requirements.
22.2 Code designation.
22.3 Proposed codification.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 22.1 General requirements.

Each proposed rule required by section 553 of title 5, United States Code, or any other statute, and any similar document voluntarily issued by an agency must include a statement of:

(a) The time, place, and nature of public rulemaking proceedings; and

(b) Reference to the authority under which the regulatory action is proposed.

§ 22.2 Code designation.

The area of the *Code of Federal Regulations* directly affected by a proposed regulatory action must be identified by placing the appropriate Code citation immediately below the name of the issuing agency.

§ 22.3 Proposed codification.

Any part of a proposed rule document that contains the full text of a proposed regulation must conform to part 21 of this subchapter, except for § 21.30.

■ 17. Add part 23 to read as follows:

PART 23—PREPARATION OF NOTICES AND REGULATORY NOTICES

Sec.
23.1 Exception to required document headings.
23.2 Authority citation.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 23.1 Exception to required document headings.

Documents are not required to have numerical references to the title and parts of the CFR affected.

§ 23.2 Authority citation.

The authority under which an agency issues a notice must be cited in narrative form within text or in parentheses on a separate line following text.

■ 18. Add part 24 to read as follows:

PART 24—HANDLING OF THE UNITED STATES GOVERNMENT MANUAL STATEMENTS

Sec.
24.1 Liaison officers.
24.2 Preparation of agency statements.
24.3 Information about an organization.
24.4 Description of program activities.
24.5 Sources of information.
24.6 Form, style, arrangement and apportionment of space.
24.7 Deadline dates.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

§ 24.1 Liaison officers.

(a) Each of the following must appoint an officer to maintain liaison with the OFR on matters relating to *The United States Government Manual:*

(1) Agencies of the legislative and judicial branches.

(2) Executive agencies that do not have a liaison officer designated under § 16.1 of this chapter or who wish to appoint a liaison officer for *Manual* matters other than the one designated under such § 16.1.

(3) Quasi-official agencies represented in the *Manual.*

(4) Any other agency that the Director believes should be included in the *Manual.*

(b) Each liaison officer will ensure agency compliance with part 9 of this chapter, and this part.

§ 24.2 Preparation of agency statements.

In accordance with schedules established under § 24.7 of this part, each agency must submit an official draft of the information required by § 9.2 of this chapter and this part.

§ 24.3 Information about an organization.

(a) Information about lines of authority and organization may be reflected in a chart if the chart clearly delineates the agency's organizational structure.

(b) Listings of heads of operating units should be arranged whenever possible to reflect relationships between units.

(c) Narrative descriptions of organizational structure or hierarchy that duplicate information conveyed by charts or by lists of officials will not be published in the *Manual.*

§ 24.4 Description of program activities.

(a) Descriptions should clearly state the public purposes that the agency serves, and the programs that carry out those purposes.

(b) Descriptions of the responsibilities of individuals or of administrative units common to most agencies will not be accepted for publication in the *Manual.*

§ 24.5 Sources of information.

Each agency statement should include pertinent sources of information useful to the public, covering areas such as employment, consumer activities, contracts, services to small business, and other topics of public interest. These sources of information must plainly identify the places where the public may obtain information or make submittals or requests.

§ 24.6 Form, style, arrangement, and apportionment of space.

(a) The Director determines the form, style, arrangement, and space apportionment of agency statements and other materials included in the *Manual.*

(b) Agencies must use the U.S. Government Printing Office Style Manual to determine style.

§ 24.7 Deadline dates.

Agencies must promptly notify the Director of major organizational changes and comply with periodic deadlines set by the OFR for agency statements, charts, and other materials to be included in the Manual. Failure to do so may result in publication of an outdated statement or the omission of important material.

By Order of the Committee.

Charles A. Barth,

Secretary, Administrative Committee of the Federal Register.

[FR Doc. 2014–25520 Filed 10–27–14; 8:45 am]

BILLING CODE 1505–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 37

[Docket No. PRM–37–1; NRC–2014–0172]

Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of docketing and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking from Anthony R. Pietrangelo on behalf of the Nuclear Energy Institute (NEI or the petitioner) dated June 12, 2014, requesting that the NRC amend its regulations to "remove unnecessary and burdensome requirements on licensees with established physical security programs." The petition was docketed by the NRC on July 17, 2014, and has been assigned Docket No. PRM–37–1. The NRC is requesting public comments on this petition for rulemaking.

DATES: Submit comments by January 12, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0172. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and

Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Merri L. Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–7000, email: *Merri.Horn@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0172 when contacting the NRC about the availability of information for this petition for rulemaking. You may obtain publicly-available information related to this petition by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0172.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select "ADAMS Public Documents" and then select "*Begin Web-based ADAMS Search.*" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0172 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. The Petitioner

The petition states that "NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues." The petition further states that "NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry. NEI asserts that it is responsible for coordinating the combined efforts of licensed facilities on matters involving generic NRC regulatory policy issues and generic operational and technical regulatory issues."

III. The Petition

Anthony R. Pietrangelo, Senior Vice President and Chief Nuclear Officer, NEI, submitted a PRM dated June 12, 2014 (ADAMS Accession No. ML14199A570), requesting that the NRC amend its regulations regarding "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material." The NRC has determined that the petition meets the threshold sufficiency requirements for a petition for rulemaking under § 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Petition for rulemaking," and the petition has been docketed as PRM–37–1. The NRC is requesting public comment on the petition for rulemaking.

IV. Discussion of the Petition

The NRC's regulations at 10 CFR part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," require licensees that possess Category 1 and Category 2 quantities of radioactive material to secure and protect the materials from theft or diversion. Part 37 contains a provision, 10 CFR 37.11, which provides for "Specific Exemptions." The provision in 10 CFR 37.11(b), states that "[a]ny licensee's NRC-licensed activities are exempt from the requirements of subpart B ['Background Investigations and Access Authorization Program'] and subpart C ['Physical Protection Requirements During Use'] of this part to the extent that its activities are included in a security plan required by part 73 of this chapter." The provision in 10 CFR 37.11(c) allows for certain waste material to be subject to a different set of requirements as outlined in 10 CFR 37.11(c)(1)–(4).

The petitioner is requesting that the rule be amended to clarify and expand the exemptions in 10 CFR 37.11 in several ways. First, the petitioner is requesting that the exemptions provide for a more direct recognition of the extent to which facilities with robust 10 CFR part 73 security programs already meet the objectives set forth in part 37 and inherently protect byproduct material. Additionally, the petitioner requests NRC codify certain provisions contained in an Enforcement Guidance Memorandum (EGM) "Interim Guidance for Dispositioning 10 CFR Part 37 Violations with Respect to Large Components and Robust Structures Containing Category 1 or Category 2 Quantities of Material at Power Reactor Facilities Licensed Under 10 CFR Parts 50 and 52" issued by the NRC on March 13, 2014 (ML14056A151).

Specifically, the proposed amendments to part 37 would include adding definitions to 10 CFR 37.5 for *Large Component* and *Robust Structure.* The petitioner also proposes amendments to 10 CFR 37.11(b) that the petitioner claims will remove "undue regulatory burden on licensees by recognizing the extent to which facilities with robust 10 CFR Part 73 security programs already meet the objectives set forth in Part 37 and inherently protect byproduct material." The petitioner further recommends revisions to 10 CFR 37.11(c) that the petitioner claims would help "to improve its clarity, provide greater regulatory certainty, and ensure licensees implement Part 37 consistent with NRC's intent and expressed regulatory guidance." Moreover, the petitioner recommends adding a new paragraph, 10 CFR 37.11(d), to codify key elements of the EGM. Specifically, the proposed 10 CFR 37.11(d) would exempt large components and material stored in robust structures from part 37's requirements.

Dated at Rockville, Maryland, this 21st day of October 2014.

For the Nuclear Regulatory Commission.
Richard J. Laufer,
Acting Secretary of the Commission.
[FR Doc. 2014–25540 Filed 10–27–14; 8:45 am]
BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0746; Airspace Docket No. 14–AGL–2]

Proposed Establishment of Class E Airspace; Cando, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Cando, ND. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Cando Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before December 12, 2014.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2014–0746/Airspace Docket No. 14–AGL–2, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–321–7740.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2014–0746/Airspace Docket No. 14–AGL–2." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Cando Municipal Airport, Cando, ND, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014 and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014 and effective September 15, 2014, is amended as follows:

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

* * * * *

AGL ND E5 Cando, ND [New]

Cando Municipal Airport, ND
(Lat. 48°28′48″ N., Long. 099°14′11″ W.)

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

Issued in Fort Worth, TX, on October 9, 2014.

Walter Tweedy,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–25521 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0745; Airspace Docket No. 14–ACE–3]

Proposed Establishment of Class E Airspace; Alma, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Alma, NE. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Alma Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before December 12, 2014.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2014–0745/Airspace Docket No. 14–ACE–3, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–321–7740.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2014–0745/Airspace Docket No. 14–ACE–3." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Alma Municipal Airport, Alma, NE., to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014 and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that

section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Alma Municipal Airport, Alma, NE.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014 and effective September 15, 2014, is amended as follows:

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

* * * * *

ACE NE E5 Alma, NE [New]

Alma Municipal Airport, KS
(lat. 40°06′45″ N., long. 99°20′47″ W.)

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

Issued in Fort Worth, TX, on October 10, 2014.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–25516 Filed 10–27–14; 8:45 am]

BILLING CODE 4901–14–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0741; Airspace Docket No. 14–ASW–4]

Proposed Establishment of Class E Airspace; Encinal, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Encinal, TX. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at El Jardin Ranch Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before December 12, 2014.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2014–0741/Airspace Docket No. 14–ASW–4, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2014–0741/Airspace Docket No. 14–ASW–4." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 7-mile radius of El Jardin Ranch Airport, Encinal, TX, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014 and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an

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

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014 and effective September 15, 2014, is amended as follows:

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

* * * * *

ASW TX E5 Encinal, TX [New]

El Jardin Ranch Airport, TX
(Lat. 28°04′26″ N., Long. 99°17′50″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of El Jardin Ranch Airport.

Issued in Fort Worth, TX, on October 10, 2014.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–25528 Filed 10–27–14; 8:45 am]

BILLING CODE 4901–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 970

[Docket No. FR–5399–C–02]

RIN 2577–AC82

Public Housing Program: Demolition or Disposition of Public Housing Projects, and Conversion of Public Housing to Tenant-Based Assistance; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule; correction.

SUMMARY: HUD is correcting a proposed rule published in the **Federal Register** of October 16, 2014. The November 16, 2014 proposed rule incorrectly defined the term "HCC" in § 970.15. This document corrects as unnecessary an inadvertent error in expanding the abbreviation "HCC" as it occurred in § 970.15(a) of the rule. The term "HCC" is correctly defined in another section of the same rule.

FOR FURTHER INFORMATION CONTACT: Stephen Shaw, Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–8000; telephone number 202–402–5087 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: On October 16, 2014, HUD published a proposed rule entitled, "Public Housing Program: Demolition or Disposition of Public Housing Projects, and Conversion of Public Housing to Tenant-Based Assistance" (79 FR 62250). In § 970.15(a), the proposed rule inadvertently defined the term "HCC" as Housing Conservation Coordinators. In § 970.5, "HCC" is correctly defined as Housing Construction Cost. As a result, HUD is correcting this section by removing the incorrect language from the rule.

In FR Doc. 2014–24068 appearing on page 62250 in the **Federal Register** of Thursday, October 16, 2014, the following correction is made. On page 62280, in the third column, correct paragraph (a)(2) of § 970.15 to read as follows:

§ 970.15 [Corrected].

(a) * * *

(2) No reasonable program of modifications is cost-effective to return the project to its useful life as evidenced by at least one estimate of the rehabilitation cost of the project by an independent architect or engineer that is not a regular employee of the PHA. HUD generally shall not consider a program of modifications to be cost-effective if the costs of such program exceed HCC in effect at the time the application is submitted to HUD; and

* * * * *

Dated: October 22, 2014.

Aaron Santa Anna,

Assistant General Counsel for Regulations.

[FR Doc. 2014–25499 Filed 10–27–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0812]

RIN 1625–AA08

Special Local Regulation; Seminole Hard Rock Winterfest Boat Parade, Fort Lauderdale, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a special local regulation during the Seminole Hard Rock Winterfest Boat Parade scheduled to occur on December 13, 2014, between the hours of 2 p.m. and 11:30 p.m. on

the waters of the New River and Intracoastal Waterway in Fort Lauderdale, Florida. This special local regulation is necessary to protect the public from hazards associated with the boat parade. The special local regulation will consist of a moving zone around participant vessels as the parade transits the navigable waters of the United States during the event. Persons and vessels that are not participating in the boat parade are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before November 28, 2014. Requests for public meetings must be received by the Coast Guard on or before November 28, 2014.

ADDRESSES: 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 Petty Officer John K. Jennings, Sector Miami Prevention Department, Coast Guard; telephone (305) 535–4317, email *John.K.Jennings@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. 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 (USCG–2014–0812) 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 (USCG–2014–0812) 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

The Coast Guard proposes to establish a Special Local Regulation on the New River and Intracoastal Waterway in Fort Lauderdale, Florida during the Seminole Hard Rock Winterfest Boat Parade. The parade is scheduled to take place from 2 p.m. to 11:30 p.m. on December 13, 2014. This proposed rule is necessary to protect the safety of parade participants, participant vessels, spectators, and the general public on the navigable waters of the United States during the event.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233.

The purpose of the rule is to provide for the safety of life on the navigable waters of the United States during the boat parade.

D. Discussion of Proposed Rule

On December 13, 2014, Winterfest, Inc. will be hosting the Seminole Hard Rock Winterfest Boat Parade on the New River and the Intracoastal Waterway in Fort Lauderdale, Florida. The boat parade will consist of approximately 120 vessels, which will begin at Cooley's Landing Marina and transit east on the New River, then head north on the Intracoastal Waterway to Lake Santa Barbara.

The proposed special local regulation consists of a moving zone that will include a buffer zone extending 50 yards ahead of the lead parade vessel, 50 yards astern of the last participant

vessel, and 50 yards on either side of the parade participant vessels. Notice of the special local regulation will be provided prior to the boat parade by Local Notice to Mariners and Broadcast Notice to Mariners. This special local regulation will be enforced from 2 p.m. until 11:30 p.m. on December 13, 2014.

Persons and vessels may request authorization to enter the special local regulation areas by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the special local regulation areas is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed 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 economic impact of this proposed rule is not significant for the following reasons: (1) This special local regulation will be enforced for nine and one half hours; (2) non-participant persons and vessels may enter, transit through, anchor in, or remain within the regulated areas during their respective enforcement periods if authorized by the Captain of the Port Miami or a designated representative; (3) non-participant persons and vessels not able to enter, transit through, anchor in, or remain within the regulated areas without authorization from the Captain of the Port Miami or a designated representative may operate in the surrounding areas during the respective enforcement periods; and (4) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within any of the regulated areas during the respective enforcement periods. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed 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** section above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

This proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and

Coordination with Indian Tribal Governments, because it would 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 proposed rule 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the creation of a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. Preliminary environmental analysis checklists supporting this determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233

■ 2. Add a temporary § 100.35T07–0812 to read as follows:

§ 100.35T07–0812 Special Local Regulation; Seminole Hard Rock Winterfest Boat Parade, Fort Lauderdale, FL.

(a) *Regulated area.* The following moving zone is a regulated area. All waters within a moving zone that will begin at Cooley's Landing Marina and end at Lake Santa Barbara, which will include a buffer area extending 50 yards ahead of the lead parade vessel, 50 yards astern of the last participating vessel, and 50 yards on either side of the entire parade. This special local regulation will be enforced from 2 p.m. until 11:30 p.m. on December 13, 2014.

(b) *Definition.* The term "designated representative" means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Miami in the enforcement of the regulated areas.

(c) *Regulations.* (1) Non-participant persons and vessels are prohibited from entering the moving zone. Non-participant persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

(2) The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement times.* This rule will be enforced from 2 p.m. until 11:30 p.m. on December 13, 2014.

Dated: October 15, 2014.

A.J. Gould,

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

[FR Doc. 2014–25614 Filed 10–27–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0898]

RIN 1625–AA00

Safety Zone; Kent Narrows Draw Bridge Repairs, Kent Island Narrows; Queen Anne's County, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone encompassing certain waters of Kent Island Narrows in Queen Anne's County, MD. This action is necessary to provide for the safety of mariners and their vessels on navigable waters during bridge repairs at the Kent Narrows (MD–18B) Draw Bridge. This action is intended to restrict vessel traffic movement to protect mariners from potential safety hazards associated with the bridge project scheduled to occur in the federal navigation channel between December 15, 2014 and February 16, 2015. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Baltimore or his designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before November 28, 2014.

ADDRESSES: 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 Mr. Ronald Houck, Sector Baltimore Waterways Management Division, Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.* If you have questions on

viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. 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 [USCG–2014–0898] 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 (USCG–2014–0898) 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

This rule involves bridge repairs within a federal navigation channel requiring work barges and support boats during a 63-day period from December 15, 2014 to February 16, 2015.

The bridge operation regulations for Kent Island Narrows listed in 33 CFR 117.561 do not apply to this rule.

C. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones. The purpose of this safety zone is to protect public boaters and their vessels from potential safety hazards associated with repairs conducted at the Kent Narrows (MD–18B) Draw Bridge.

D. Discussion of Proposed Rule

The Maryland State Highway Administration has scheduled repairs to the Kent Narrows (MD–18B) Draw Bridge, located over the Kent Island Narrows in Queen Anne's County, Maryland. The work will occur from 6 a.m. on December 15, 2014 through 6 a.m. on February 16, 2015.

According to the Maryland State Highway Administration, the positioning of barges within the federal navigation channel is necessary in order to conduct the bridge work. As a result, a waterway restriction will occur impacting those mariners using the federal navigation channel between December 15, 2014 and February 16, 2015. The designated work site extends approximately 55 feet northward from the south side of the bridge, 55 feet southward from the south side of the bridge, 74 feet eastward of the federal navigation channel centerline, and 70 feet westward of the federal navigation channel centerline. The navigable waters of Kent Island Narrows outside the federal navigation channel will remain open to marine traffic during the work.

Through this regulation, the Coast Guard proposes to establish a temporary safety zone. The zone will encompass all waters of Kent Island Narrows, within an area bounded by the following points: From position latitude 38°58′14.5″ N, longitude 076°14′50.2″ W; thence easterly to position latitude 38°58′14.1″ N, longitude 076°14′48.4″ W; thence southerly to position latitude 38°58′12.3″ N, longitude 076°14′49.0″ W; thence westerly to position latitude 38°58′12.8″ N, longitude 076°14′50.8″ W; thence northerly to point of origin at position latitude 38°58′14.5″ N, longitude 076°14′50.2″ W. The zone will be enforced from 6 a.m. on December 15, 2014 to 6 a.m. on February 16, 2015.

The effect of this safety zone will be to restrict marine navigation in the regulated area during work activity. Vessels and persons will be allowed to transit the waters of Kent Island Narrows outside the safety zone.

This rule requires that, with the exception of Maryland State Highways Administration support vessels, entry into or remaining in this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. All vessels underway within this safety zone at the time it is implemented are to depart the zone. To seek permission to transit the area of the safety zone, the Captain of the Port Baltimore can be contacted at telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8

MHz). Coast Guard vessels enforcing the safety zone can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Federal, state, and local agencies may assist the Coast Guard in the enforcement of the safety zone. The Coast Guard will issue notices to the maritime community to further publicize the safety zone and notify the public of changes in the status of the zone. Such notices will continue until the work activity is complete.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. Although this regulation would restrict access to this area, the effect of this proposed rule will not be significant because: The Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and although the safety zone will apply to the entire width of the federal navigation channel and not the entire width of Kent Island Narrows, vessel traffic not constrained by draft or height may be able to transit safely around the safety zone.

2. Impact on Small Entities

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

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to operate, transit through or anchor within the safety zone during the enforcement period.

This safety zone would not have a significant economic impact on a substantial number of small entities for the reasons stated under Regulatory Planning and Review.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

This proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed rule 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 proposed rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a temporary safety zone in the Kent Island Narrows to maintain public safety during repairs to the Kent Narrows (MD–18B) Draw Bridge. This action is necessary to protect persons and property during the project. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed 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 proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0898 to read as follows:

§ 165.0898 Safety Zone; Kent Narrows Draw Bridge Repairs, Kent Island Narrows, Queen Anne's County, MD.

(a) *Location.* The following area is a safety zone:

(1) All waters of Kent Island Narrows, within an area bounded by the following points: From position latitude 38°58′14.5″ N, longitude 076°14′50.2″ W; thence easterly to position latitude 38°58′14.1″ N, longitude 076°14′48.4″ W; thence southerly to position latitude 38°58′12.3″ N, longitude 076°14′49.0″ W; thence westerly to position latitude 38°58′12.8″ N, longitude 076°14′50.8″ W; thence northerly to point of origin at position latitude 38°58′14.5″ N, longitude 076°14′50.2″ W, located in Queen Anne's County, Maryland. All coordinates refer to datum NAD 1983.

(2) [Reserved]

(b) *Regulations.* The general safety zone regulations found in § 165.23 apply to the safety zone created by this section.

(1) All persons are required to comply with the general regulations governing safety zones found in § 165.23.

(2) With the exception of Maryland State Highways Administration support vessels, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone must first obtain authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Baltimore or his designated representative and proceed as directed while within the zone.

(4) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(c) *Definitions.* As used in this section:

Captain of the Port Baltimore means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (a) of this section.

Maryland State Highways Administration Support Vessels means all vessels engaged in bridge work under the auspices of the Maryland State Highways Administration's authorization for repairs to the Kent Narrows (MD–18B) Draw Bridge across Kent Island Narrows in Queen Anne's County, Maryland.

(d) *Enforcement period.* This section will be enforced from 6 a.m. on December 15, 2014 to 6 a.m. on February 16, 2015.

Dated: October 9, 2014.

K.C. Kiefer,

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

[FR Doc. 2014–25617 Filed 10–27–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0586, FRL–9918–57–Region–9]

Approval and Promulgation of State Implementation Plans; California; Regional Haze Progress Report; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending the public comment period for a proposed rule titled "Approval and Promulgation of State Implementation Plans; California; Regional Haze Progress Report," which was published in the **Federal Register** on September 29, 2014. The new deadline of November 28, 2014, will provide an additional 30 days for a total of 60 days to comment on our proposal.

DATES: Comments on the proposed rule published on September 29, 2014 (79 FR 58302) must be received on or before November 28, 2014.

ADDRESSES: You may submit comments, identified by Docket ID No. EPA–R09–OAR–2014–0586, by one of the following methods:

- *Federal Rulemaking portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: webb.thomas@epa.gov.*
- *Fax:* 415–947–3579 (Attention: Thomas Webb).
- *Mail, Hand Delivery, or Courier:* Thomas Webb, EPA Region 9, Air Division (AIR–2), 75 Hawthorne Street, San Francisco, California 94105. Hand and courier deliveries are only accepted Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Special arrangements should be made for deliveries of boxed information.

FOR FURTHER INFORMATION CONTACT: Thomas Webb, U.S. EPA, Region 9, Planning Office, Air Division, AIR–2, 75 Hawthorne Street, San Francisco, CA 94105. Thomas Webb may be reached at telephone number (415) 947–4139 and via electronic mail at *webb.thomas@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA is extending the public comment period for the proposed rule, "Approval and Promulgation of State Implementation Plans; California; Regional Haze Progress Report," by 30 days. With this extension, the public comment period will end on November 28, 2014, rather than October 29, 2014. The proposal is to approve the California Regional Haze Progress Report in which the State has determined that its existing Regional Haze State Implementation Plan is adequate to meet the visibility goals for 2018, and requires no substantive revision at this time.

Dated: October 20, 2014.

Alexis Strauss,

Acting Regional Administrator, EPA Region 9.

[FR Doc. 2014–25589 Filed 10–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0385; FRL–9917–91-Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio $PM_{2.5}$ NSR

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, under the Clean Air Act (CAA), revisions to Ohio's state implementation plan (SIP) as requested by the Ohio Environmental Protection Agency (OEPA) to EPA on June 19, 2014. The revisions to Ohio's SIP implement certain EPA regulations for particulate matter smaller than 2.5 micrometers ($PM_{2.5}$) by establishing definitions related to $PM_{2.5}$, defining $PM_{2.5}$ increment levels, and setting $PM_{2.5}$ class 1 variances. The revisions also incorporate changes made to definitions and regulations that recognize nitrogen oxides (NO_X) as an ozone precursor, revising and adding definitions, adding Federal land manager notification requirements, and incorporating minor organizational or typographical changes.

DATES: Comments must be received on or before November 28, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2014–0385, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *Email: damico.genevieve@epa.gov.*
3. *Fax:* (312) 385–5501.
4. *Mail:* Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Charmagne Ackerman, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0448, *ackerman.charmagne@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register.**

Dated: October 6, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–25481 Filed 10–27–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 140909772–4772–01]

RIN 0648–BE52

Fisheries Off West Coast States; Control Date for Large-Mesh Drift Gillnet Limited Entry Program

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

ACTION: Advance notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: This ANPR announces a control date of June 23, 2014, that may be used as a reference for allocation decisions when considering potential future management actions to limit the number of participants in the large-mesh drift gillnet (DGN) fishery that targets swordfish and thresher sharks. The Pacific Fishery Management Council (Council) selected the June 23, 2014, control date based on discussions at its June meeting. The Council requested this ANPR to discourage speculative fishing effort as they review the current state-managed DGN limited entry program and consider establishing a federally-managed limited entry program for this fishery. This ANPR is intended to promote public awareness of the Council's interest and the potential for a future rulemaking.

DATES: June 23, 2014, shall be known as the control date for the large-mesh DGN fishery and may be used as a reference for allocations in a future management program that is consistent with the Council's objectives and applicable federal laws. Comments must be submitted in writing by November 28, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0119, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0119,* click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Mark Helvey, NMFS West Coast Region, 501 W. Ocean Blvd., Ste. 4200, Long Beach, CA 90802. Attn: DGN Control Date.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Mark Helvey: (562) 980–4040, or *mark.helvey@noaa.gov.*

SUPPLEMENTARY INFORMATION: The DGN fishery targets swordfish and thresher shark and was managed by the State of California until 2004 when NMFS implemented the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). The Council's adoption of the HMS FMP resulted in incorporation of all pre-existing state and Federal regulations at 50 CFR 660, subpart K, except for those pertaining to the state of California's DGN limited entry program. The 2004 HMS FMP also established a control date of March 9, 2000, for all HMS fisheries in case a limited entry program was needed in the future. Control dates are used to establish a date after which those who enter a fishery may not be guaranteed access to that fishery if access be limited by regulation. Because of the changes occurring in the fishery since 2004, the Council decided to establish a more recent date for the DGN fishery.

At its March and June 2014 meetings, the Council discussed issuing a more recent control date specific to the DGN fishery in the event that it decides to recommend a Federal limited entry permit. The discussions included a report on the current status of DGN permits. The total number of permits issued by the state of California in 2013 was 77; however, only about 25 of those actively fished with DGN gear since 2010. The remaining inactive or latent permits represent available, but unused, fishing opportunity. If the inactive or latent permits were to become active, this could increase fishing and pose greater risks to protected species.

This notification establishes June 23, 2014, as the new control date for potential use in determining historical or traditional participation in the large-mesh DGN fishery. The Council requested that NMFS publish this control date to discourage speculative fishing effort in the DGN fishery while alternative management regimes to control effort are discussed, possibly developed, and implemented. Interested participants should locate and preserve records that substantiate and verify their participation in the large-mesh DGN fishery.

This notification and control date do not impose any legal obligations, requirements, or expectations. Consideration of a control date does not commit the Council or NMFS to develop any particular management regime or criteria for participation in this fishery. In the future, the Council may choose a different control date; or may choose a management program that does not make use of a control date. The Council may also choose to not take further action to control entry or access to the large-mesh DGN fishery under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Action by the Council may be adopted in a future amendment to the HMS FMP, which would include opportunity for further public participation and comment. Any future action by NMFS regarding the DGN fishery will be taken pursuant to the MSA.

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

Dated: October 22, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–25527 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 79, No. 208
Tuesday, October 28, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Media Outlets for Publication of Legal and Action Notices in the Southern Region

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists all newspapers that will be used by the Ranger Districts, Grasslands, Forests and the Regional Office of the Southern Region to publish notices required under 36 CFR parts 218 and 219. The intended effect of this action is to inform members of the public which newspapers will be used by the Forest Service to publish legal notices regarding proposed actions, notices of decisions and notices indicating opportunities to file objections.

DATES: Use of these newspapers for purposes of publishing legal notice of decisions subject to appeal under Appendix A to 36 CFR 219.35, and notices of the opportunity to object under 36 CFR 218 and 36 CFR 219 shall begin the first day after the date of this publication.

FOR FURTHER INFORMATION CONTACT: David Harris, NEPA Coordinator, Southern Region, Planning, 1720 Peachtree Road NW., Atlanta, Georgia 30309, Phone: 404–347–5292.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Southern Region will give legal notice of decisions subject to appeal under Appendix A to 36 CFR 219.35, and the Responsible Officials in the Southern Region will give notice of the opportunity to object to a proposed authorized hazardous fuel reduction project under 36 CFR part 218 or developing, amending or revising land management plans under 36 CFR 219 in the following newspapers which are listed by Forest Service administrative unit. The timeframe for comment on a proposed action shall be based on the date of publication of the notice of the proposed action in the newspaper of record. The timeframe for an objection shall be based on the date of publication of the legal notice of the opportunity to object for projects subject to 36 CFR part 218 or 36 CFR part 219.

Where more than one newspaper is listed for any unit, the first newspaper listed is the newspaper of record that will be utilized for publishing the legal notice of decisions and calculating timeframes. Secondary newspapers listed for a particular unit are those newspapers the Deciding Officer/Responsible Official expects to use for purposes of providing additional notice.

The following newspapers will be used to provide notice.

Southern Region

Regional Forester Decisions:
- Affecting National Forest System lands in more than one Administrative unit of the 15 in the Southern Region, *Atlanta Journal-Constitution,* published daily in Atlanta, GA.
- Affecting National Forest System lands in only one Administrative unit or only one Ranger District will appear in the newspaper of record elected by the National Forest, National Grassland, National Recreation Area, or Ranger District as listed below.

National Forests in Alabama, Alabama

Forest Supervisor Decisions:
- Affecting National Forest System lands in more than one Ranger District of the 6 in the National Forests in Alabama, *Montgomery Advertiser,* published daily in Montgomery, AL. Affecting National Forest System lands in only one Ranger District will appear in the newspaper of record elected by the Ranger District as listed below.

District Ranger Decisions:
- Bankhead Ranger District: *Northwest Alabamian,* published bi-weekly (Wednesday & Saturday) in Haleyville, AL
- Conecuh Ranger District: *The Andalusia Star News,* published daily (Tuesday through Saturday) in Andalusia, AL
- Oakmulgee Ranger District: *The Tuscaloosa News,* published daily in Tuscaloosa, AL
- Shoal Creek Ranger District: *The Anniston Star,* published daily in Anniston, AL
- Talladega Division: *The Anniston Star,* published daily in Anniston, AL
- Talladega Ranger District: *The Daily Home,* published daily in Talladega, AL
- Tuskegee Ranger District: *Tuskegee News,* published weekly (Thursday) in Tuskegee, AL

Chattahoochee-Oconee National Forest, Georgia

Forest Supervisor Decisions:
- *The Times,* published daily in Gainesville, GA

District Ranger Decisions:
- Blue Ridge Ranger District: *The News Observer* (newspaper of record) published bi-weekly (Tuesday & Friday) in Blue Ridge, GA
- *North Georgia News,* (newspaper of record) published weekly (Wednesday) in Blairsville, GA
- Conasauga Ranger District: *Daily Citizen,* published daily in Dalton, GA
- Chattooga River Ranger District: *The Northeast Georgian,* (newspaper of record) published bi-weekly (Tuesday & Friday) in Cornelia, GA
- *Clayton Tribune,* (newspaper of record) published weekly (Thursday) in Clayton, GA
- *The Toccoa Record,* (secondary) published weekly (Thursday) in Toccoa, GA
- *White County News,* (secondary) published weekly (Thursday) in Cleveland, GA
- Oconee Ranger District: *Eatonton Messenger,* published weekly (Thursday) in Eatonton, GA

Cherokee National Forest, Tennessee

Forest Supervisor Decisions:
- *Knoxville News Sentinel,* published daily in Knoxville, TN

District Ranger Decisions:
- Unaka Ranger District: *Greeneville Sun,* published daily (except Sunday) in Greeneville, TN
- Ocoee-Hiwassee Ranger District: *Polk County News,* published weekly (Wednesday) in Benton, TN
- Tellico Ranger District: *Monroe County Advocate & Democrat,* published tri-weekly (Wednesday, Friday, and Sunday) in Sweetwater, TN
- Watauga Ranger District: *Johnson City Press,* published daily in Johnson

City, TN

Daniel Boone National Forest, Kentucky

Forest Supervisor Decisions:
Lexington Herald-Leader, published daily in Lexington, KY
District Ranger Decisions:
Cumberland Ranger District: *The Morehead News,* published bi-weekly (Tuesday and Friday) in Morehead, KY
London Ranger District: *The Sentinel-Echo,* published tri-weekly (Monday, Wednesday, and Friday) in London, KY
Redbird Ranger District: *Manchester Enterprise,* published weekly (Thursday) in Manchester, KY
Stearns Ranger District: *McCreary County Record,* published weekly (Tuesday) in Whitley City, KY

El Yunque National Forest, Puerto Rico

Forest Supervisor Decisions:
El Nuevo Dia, published daily in Spanish in San Juan, PR
Puerto Rico Daily Sun, published daily in English in San Juan, PR

National Forests in Florida, Florida

Forest Supervisor Decisions:
Affecting National Forest System lands in more than one Ranger District in the National Forests in Florida or Florida National Scenic Trail land outside Ranger Districts, *The Tallahassee Democrat,* published daily in Tallahassee, FL. Affecting National Forest System lands in only one Ranger District will appear in the newspaper of record elected by the Ranger District as listed below.
District Ranger Decisions:
Apalachicola Ranger District: *Calhoun-Liberty Journal,* published weekly (Wednesday) in Bristol, FL
Lake George Ranger District: *The Ocala Star Banner,* published daily in Ocala, FL
Osceola Ranger District: *The Lake City Reporter,* published daily (Monday-Saturday) in Lake City, FL
Seminole Ranger District: *The Daily Commercial,* published daily in Leesburg, FL
Wakulla Ranger District: *The Tallahassee Democrat,* published daily in Tallahassee, FL

Francis Marion & Sumter National Forests, South Carolina

Forest Supervisor Decisions:
The State, published daily in Columbia, SC
District Ranger Decisions:
Andrew Pickens Ranger District: *The Daily Journal,* published daily (Tuesday through Saturday) in Seneca, SC
Enoree Ranger District: *Newberry Observer,* published tri-weekly (Monday, Wednesday, and Friday) in Newberry, SC
Long Cane Ranger District: *Index-Journal,* published daily in Greenwood, SC
Wambaw Ranger District: *Post and Courier,* published daily in Charleston, SC
Witherbee Ranger District: *Post and Courier,* published daily in Charleston, SC

George Washington and Jefferson National Forests, Virginia and West Virginia

Forest Supervisor Decisions:
Roanoke Times, published daily in Roanoke, VA
District Ranger Decisions:
Clinch Ranger District: *Coalfield Progress,* published bi-weekly (Tuesday and Friday) in Norton, VA
North River Ranger District: *Daily News Record,* published daily (except Sunday) in Harrisonburg, VA
Glenwood-Pedlar Ranger District: *Roanoke Times,* published daily in Roanoke, VA
James River Ranger District: *Virginian Review,* published daily (except Sunday) in Covington, VA
Lee Ranger District: *Shenandoah Valley Herald,* published weekly (Wednesday) in Woodstock, VA
Mount Rogers National Recreation Area: *Bristol Herald Courier,* published daily in Bristol, VA
Eastern Divide Ranger District: *Roanoke Times,* published daily in Roanoke, VA
Warm Springs Ranger District: *The Recorder,* published weekly (Thursday) in Monterey, VA

Kisatchie National Forest, Louisiana

Forest Supervisor Decisions:
The Town Talk, published daily in Alexandria, LA
District Ranger Decisions:
Calcasieu Ranger District: *The Town Talk,* (newspaper of record) published daily in Alexandria, LA
The Leesville Daily Leader, (secondary) published daily in Leesville, LA
Caney Ranger District: *Minden Press Herald,* (newspaper of record) published daily in Minden, LA
Homer Guardian Journal, (secondary) published weekly (Wednesday) in Homer, LA
Catahoula Ranger District: *The Town Talk,* published daily in Alexandria, LA
Kisatchie Ranger District: *Natchitoches Times,* published daily (Tuesday thru Friday and on Sunday) in Natchitoches, LA
Winn Ranger District: *Winn Parish Enterprise,* published weekly (Wednesday) in Winnfield, LA

Land Between The Lakes National Recreation Area, Kentucky and Tennessee

Area Supervisor Decisions:
The Paducah Sun, published daily in Paducah, KY

National Forests in Mississippi, Mississippi

Forest Supervisor Decisions:
Clarion-Ledger, published daily in Jackson, MS
District Ranger Decisions:
Bienville Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Chickasawhay Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Delta Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
De Soto Ranger District: *Clarion Ledger,* published daily in Jackson, MS
Holly Springs Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Homochitto Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Tombigbee Ranger District: *Clarion-Ledger,* published daily in Jackson, MS

National Forests in North Carolina, North Carolina

Forest Supervisor Decisions:
The Asheville Citizen-Times, published Wednesday thru Sunday, in Asheville, NC
District Ranger Decisions:
Appalachian Ranger District: *The Asheville Citizen-Times,* published Wednesday thru Sunday, in Asheville, NC
Cheoah Ranger District: *Graham Star,* published weekly (Thursday) in Robbinsville, NC
Croatan Ranger District: *The Sun Journal,* published daily in New Bern, NC
Grandfather Ranger District: *McDowell News,* published daily in Marion, NC
Nantahala Ranger District: *The Franklin Press,* published bi-weekly (Tuesday and Friday) in Franklin, NC
Pisgah Ranger District: *The Asheville Citizen-Times,* published Wednesday thru Sunday, in

Asheville, NC
Tusquitee Ranger District: *Cherokee Scout,* published weekly (Wednesday) in Murphy, NC
Uwharrie Ranger District: *Montgomery Herald,* published weekly (Wednesday) in Troy, NC

Ouachita National Forest, Arkansas and Oklahoma

Forest Supervisor Decisions:
Arkansas Democrat-Gazette, published daily in Little Rock, AR
District Ranger Decisions:
Caddo-Womble Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Jessieville-Winona-Fourche Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Mena-Oden Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Oklahoma Ranger District (Choctaw; Kiamichi; and Tiak): *McCurtain Daily Gazette,* published daily in Idabel, OK
Poteau-Cold Springs Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR

Ozark-St. Francis National Forests, Arkansas

Forest Supervisor Decisions:
The Courier, published daily (Tuesday through Sunday) in Russellville, AR
District Ranger Decisions:
Bayou Ranger District: *The Courier,* published daily (Tuesday through Sunday) in Russellville, AR
Boston Mountain Ranger District: *Southwest Times Record,* published daily in Fort Smith, AR
Buffalo Ranger District: *The Courier,* published daily (Tuesday through Sunday) in Russellville, AR
Magazine Ranger District: *Southwest Times Record,* published daily in Fort Smith, AR
Pleasant Hill Ranger District: *Johnson County Graphic,* published weekly (Wednesday) in Clarksville, AR
St. Francis National Forest: *The Daily World,* published daily (Sunday through Friday) in Helena, AR
Sylamore Ranger District: *Stone County Leader,* published weekly (Wednesday) in Mountain View, AR

National Forests and Grasslands in Texas, Texas

Forest Supervisor Decisions:
The Lufkin News, published daily in Lufkin, TX
District Ranger Decisions:
Angelina National Forest: *The Lufkin News,* published daily in Lufkin, TX
Caddo & LBJ National Grasslands: *Denton Record-Chronicle,* published daily in Denton, TX
Davy Crockett National Forest: *The Lufkin News,* published daily in Lufkin, TX
Sabine National Forest: *The Daily News,* published daily in Lufkin, TX
Sam Houston National Forest: *The Courier,* published daily in Conroe, TX

Dated: October 9, 2014.

Jerome Thomas,

Deputy Regional Forester.

[FR Doc. 2014–25326 Filed 10–27–14; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request To Conduct a New Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek approval to conduct a new information collection consisting of two questionnaires, the Quarterly Colony Loss Survey and the Annual Colony Loss Survey.

DATES: Comments on this notice must be received by December 29, 2014 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–NEW, by any of the following methods:

- Email: *ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- eFax: (855) 838–6382.
- Mail: Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- Hand Delivery/Courier: Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Renee Picanso, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS Clearance Officer, at (202) 690–2388.

SUPPLEMENTARY INFORMATION:

Title: Pollinator Surveys.

OMB Control Number: 0535–NEW.

Type of Request: Intent to seek approval to conduct a new information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to prepare and issue state and national estimates of crop and livestock production, prices, and disposition; as well as economic statistics, environmental statistics related to agriculture and also to conduct the Census of Agriculture.

Pollinators (honeybees) are vital to the agricultural industry for producing food for the world's population. Ad hoc surveys showed a dramatic rise in the number of disappearances of honeybee colonies in North America in late 2006; disappearances ranged from 10–15 percent annual colony loss in some areas to greater than 30 percent in other areas. Often called Colony Collapse Disorder (CCD), the condition occurs when worker bees from a beehive or a European honeybee colony abruptly disappear, with minimal mortality evident near the hive and an intact queen and food supply readily available. European beekeepers observed similar phenomena in Belgium, France, the Netherlands, Greece, Italy, Portugal, and Spain, and initial reports have also come in from Switzerland and Germany, albeit to a lesser degree, while the Northern Ireland Assembly received reports of a decline greater than 50 percent. The mechanisms of CCD and the reasons for its apparent increasing prevalence remain unclear. The likely combination of factors includes: Infections with Varroa mites and other pathogens and viruses; pesticides, such as the neonicotinoid class; inadequate nutrition and loss of natural forage habitat; genetic factors; and changing beekeeping practices and stress on colonies from transportation.

The collapse of honeybee colonies is significant economically because many agricultural crops worldwide are pollinated by European honeybees. According to the Agriculture and Consumer Protection Department of the United Nations Food and Agriculture Organization, the worth of global crops with honeybee pollination was estimated to be close to $200 billion in 2005. Shortages of honeybees in the United States have led to substantial

increases in the cost to farmers renting them for pollination services. USDA and the Environmental Protection Agency (EPA), in consultation with other relevant Federal partners, are scaling up efforts to address the decline of honeybee health with a goal of ensuring the recovery of this critical subset of pollinators. NASS supports this *USDA–EPA CCD National Action Plan*, which emphasizes the importance of coordinated action to identify the extent and causal factors in honeybee and pollinator declines.

To efficiently collect critical information on the status and health of the commercial honeybee population, NASS proposes two new surveys that complement its existing Bee and Honey Inquiry (0535–0153), which targets bee keepers with 5 or more colonies. The Colony Loss Quarterly Survey will be administered quarterly to a subsample of bee keepers responding to the annual Bee and Honey Inquiry. The Colony Loss Annual Survey will be administered to bee keepers with fewer than 5 colonies; these respondents will be asked to report quarterly honeybee colony losses on an annual basis. Together, these surveys will yield the number of honeybee colonies that are comparable in methodology to the Census of Agriculture counts (which is available only every 5 years). The data collected will include state of colony residence, the commercial movement of colonies between states, newly added or replacement colonies, colony losses, and presence of colony stress factors, such as pests or parasites.

The Colony Loss Surveys are strongly encouraged by beekeepers, the National Academy of Sciences, and the USDA Office of the Inspector General. This action will provide an improved baseline, annual, and quarterly data to describe any loss or change in the number of colonies and issues and practices which may be associated with colony stress and decline.

NASS is committed to collaborating with USDA and the other departments on a unified and complementary approach to develop and support the Pollinator Health Initiative. This will allow NASS and its collaborators to address critical information needs at an accelerated pace and guide honeybee management at a national scale.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–113) and the Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, "Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)," **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33376.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 10 minutes per response. Publicity materials and instruction sheet will account for 5 minutes of additional burden per respondent. Respondents who refuse to complete a survey will be allotted 2 minutes of burden per attempt to collect the data. NASS plans to conduct two different surveys as a part of this approval request. Once a year, NASS will contact approximately 20,000 small bee operations (fewer than 5 colonies). Approximately 3,300 operations with 5 or more bee colonies will be contacted quarterly to collect bee loss data. NASS will conduct the surveys initially using a mail and internet approach. This will be followed up with phone and personal enumeration for non-respondents. NASS will attempt to obtain an 80% response rate.

Respondents: Farmers and beekeepers.

Estimated Number of Respondents: 23,300.

Estimated Total Annual Burden on Respondents: With an estimated response rate of approximately 80%, we estimate the burden to be 7,020 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, October 15, 2014.

R. Renee Picanso,

Associate Administrator.

[FR Doc. 2014–25609 Filed 10–27–14; 8:45 am]

BILLING CODE 3410–20–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

[10/20/2014 through 10/22/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
Kebby Industries, Inc	4075 Kilburn Avenue, Rockford, IL 61101.	10/20/2014	The firm manufactures hand tools and filters for the pharmaceutical, cosmetic, and packaging industries.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE—Continued

[10/20/2014 through 10/22/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
Rietech Global, LLC	3700 Singer Blvd. NE., Suite A, Albuquerque, NM 87109.	10/20/2014	The firm manufactures electro-mechanical motion control systems used for search, navigation, and surveillance.
Rio Chan Foods, LLC	2701 Broadway NE., Suite A, Albuquerque, NM 87107.	10/20/2014	The firm manufactures bread, pastry, cakes, and other bakery goods.
Precise Cast Prototypes & Engineering, Inc.	7501 Dahlia Street, Commerce City, CO 80022.	10/21/2014	The firm manufactures aluminum castings to be machined.
Lion Brothers Company, Inc	10246 Reisterstown Road, Owings Mill, PA 21117.	10/21/2014	The firm manufactures embroidered patches and emblems.
Olson Companies, Inc. dba A&B Accessories.	899 N. Centennial Avenue, West Fork, AR 72774.	10/22/2014	The firm manufactures custom spa, patio and outdoor kitchen wood accessories.
Shelley Kyle Inc	468 Armour Drive, Atlanta, GA 30324.	10/22/2014	The firm manufactures fragrances and toiletries; the primary manufacturing material is essential oil.

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: October 22, 2014.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–25579 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–45–2014]

Authorization of Production Activity, Foreign-Trade Subzone 158G, Southern Motion, Inc. (Upholstered Furniture), Pontotoc and Baldwyn, MS

On June 20, 2014, the Greater Mississippi Foreign-Trade Zone, Inc., grantee of FTZ 158, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Southern Motion, Inc., within Subzone 158G, in Pontotoc and Baldwyn, Mississippi.

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 (79 FR 37281–37282, 7–1–2014). 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 FTZ Board's regulations, including Section 400.14, and the following restrictions and conditions:

1. The annual volume of foreign micro-denier suede upholstery fabric finished with a caustic soda solution that may be admitted to the subzone under nonprivileged foreign status (19 CFR 146.42) is limited to 6.0 million square yards.

2. Southern Motion, Inc., must admit all foreign upholstery fabrics other than micro-denier suede upholstery fabrics finished with a caustic soda solution to the subzone under domestic (duty-paid) status (19 CFR 146.43).

3. Southern Motion, Inc., shall submit supplemental annual report data and information for the purpose of monitoring by the FTZ Staff.

4. The authority for Southern Motion, Inc., shall remain in effect for a period of five years from the date of approval by the FTZ Board.

Dated: October 20, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–25642 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–74–2014]

Foreign-Trade Zone (FTZ) 283—Jackson, TN, Notification of Proposed Production Activity, MAT Industries, LLC, (Air Compressors), Jackson, TN

MAT Industries, LLC (MAT), an operator of FTZ 283, submitted a notification of proposed production activity to the FTZ Board for its facility located in Jackson, Tennessee within FTZ 283. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 14, 2014.

The MAT facility is located within Site 11 of FTZ 283. The facility is used for the production of air compressors and related tanks. Pursuant to 15 CFR 400.14(b), FTZ authority 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 MAT from customs duty payments on the foreign status components used in export production. On its domestic sales, MAT would be able to choose the duty rate during customs entry procedures that applies to air compressors and tanks (free) for the foreign status components noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: Rubber gaskets; cardboard boxes; paper cards/manuals/labels; cloth bags; plastic tubes; ceramic nozzles; cast iron fittings/washers; zinc

connectors; brass nut sleeves; copper nuts; nickel fittings; aluminum couplers; engines; air filters; spray guns; pressure switches; body/check valves; regulators; bearing carriers; AC motors; capacitors; thermal overload wire kits; power cords and accessories; pressure gauges; stainless steel reducers/bushings/plugs/nipples; non-alloy steel weld flanges; cast iron nipples/bushings/reducers/plugs; copper washers/flywheels; brass fittings/reducers; compressor parts; barrel screws; hydraulic assemblies; filter regulators and assemblies; valve assemblies; relief valves; pulleys; flywheels; cylinder heads and plates; steel bushings/valves; iron/steel assemblies; inflators; PVC air hoses; plastic clamshells/handles/hubcaps/V-belts; rubber wheels; sandblasters; carry tanks; nailers; air drills; grinding stone sets; tool display bars; electrical pumps; pistons; impact sockets; chisel sets; ball bearings; crankshafts; sanders; and, pneumatic needle scalers (duty rate ranges from free to 6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is December 8, 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* (202) 482–1378.

Dated: October 20, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–25636 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–75–2014]

Foreign-Trade Zone (FTZ) 119—Minneapolis, Minnesota; Notification of Proposed Production Activity; MAT Industries, LLC; (Air Compressors and Pressure Washers); Springfield, Minnesota

MAT Industries, LLC (MAT), an operator of FTZ 119, submitted a notification of proposed production activity to the FTZ Board for its facility located in Springfield, Minnesota. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 14, 2014.

The MAT facility is located at 118 West Rock Street, Springfield, Minnesota. A separate application for subzone designation at the MAT facility has been submitted and will be processed under Section 400.25 of the FTZ Board's regulations. The facility is used for the production of air compressors, air compressor tanks, and pressure washers. Pursuant to 15 CFR 400.14(b), FTZ authority 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 MAT from customs duty payments on the foreign status components used in export production. On its domestic sales, MAT would be able to choose the duty rate during customs entry procedures that applies to air compressors, air compressor tanks, and pressure washers (free) for the foreign status components noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: Rubber gaskets; cardboard boxes; paper cards/manuals/labels; cloth bags; plastic tubes; ceramic nozzles; cast iron fittings/washers; zinc connectors; brass nut sleeves; copper nuts; nickel fittings; aluminum couplers; engines; air filters; spray guns; pressure switches; body/check valves; regulators; bearing carriers; AC motors; capacitors; thermal overload wires; power cords and accessories; pressure gauges; stainless steel reducers/bushings/plugs/nipples; non-alloy steel weld flanges; cast iron nipples/bushings/reducers/plugs; copper washers/flywheels; brass fittings/reducers; compressor parts; barrel screws; hydraulic assemblies; filter regulators and assemblies; valve assemblies; relief valves; pulleys; flywheels; cylinder heads and plates; steel bushings/valves; iron/steel assemblies; inflators; PVC air hoses; plastic clamshells/handles/hubcaps/V-belts; rubber wheels; sandblasters; carry tanks; nailers; air drills; grinding stone sets; tool display bars; electrical pumps; pistons; impact sockets; chisel sets; ball bearings; crankshafts; sanders; and, pneumatic needle scalers (duty rate ranges from free to 6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is December 8, 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* (202) 482–1378.

Dated: October 20, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–25633 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–76–2014]

Foreign-Trade Zone (FTZ) 45—Portland, OR, Proposed Revision to Production Authority, Epson Portland, Inc., Subzone 45F, (Inkjet Cartridges and Bulk Ink), Hillsboro, OR

Epson Portland, Inc. (EPI) submitted a notification to the FTZ Board that proposes a revision to existing production authority for EPI's facility in Hillsboro, Oregon, within Subzone 45F. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 20, 2014.

EPI already has authority to produce inkjet ink cartridges and bulk ink (with restrictions) within Subzone 45F (Board Order 1406, 70 FR 55106, 9/20/2005; A(32(b)–3–2011, 77 FR 17409, 3/26/2012; and Board Order 1945, 79 FR 47615, 8/14/2014). EPI has authority to produce inkjet cartridges from certain non-privileged foreign status (NPF) ink components (Board Order 1945) while it has authority to produce bulk ink from certain privileged foreign (PF) status components (A(32b)–3–2011). EPI's notification indicates that the bulk ink that it produces (for export) involves some of the same foreign materials and components as its inkjet cartridge production. In the current request, EPI seeks to admit these components to the subzone in NPF status for use in the bulk ink production and to subsequently place the finished bulk ink

in zone-restricted status prior to export. By electing NPF status for these materials and components EPI would be able to simplify its inventory-control procedures—electing NPF status for materials common to its production of inkjet cartridges and bulk ink—while continuing to receive FTZ duty-related benefits for its bulk ink production for export.

The request lists the following materials and components sourced from abroad for which EPI is requesting authority to elect NPF status for use in its bulk ink export production: potassium hydroxide; acrylic alcohols (surfactants); 2-ethyl, 2-propane-1,3diol; glycerin; 2,2 oxydiethanol (diethylene glycol digol); ether-alcohols (penetrants); adipic acid; triethanolamine & its salts (other emulsifiers); amino acids (stabilizers); N-methyl-2-pyrrolidone; 2-pyrriolidone; benzotriazole; direct dyes & preparations based on these direct dyes (yellow, black, cyan, brown, orange, violet, red, green, magenta, other); preparations based on carbon black; paints and varnish based on acrylic or vinyl polymers (solvents); surface active agents; organic solvents/thinners (containing 5%–25% by weight of one or more aromatic or modified aromatic substances); chemical mixtures (biocides, surfactants); and, plastics, polymers of styrene (duty rates range from free to 6.5%). Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is December 8, 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: Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: October 21, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–25639 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–77–2014]

Foreign-Trade Zone 80—San Antonio, TX Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of San Antonio, grantee of FTZ 80, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on October 22, 2014.

FTZ 80 was approved by the FTZ Board on September 16, 1982 (Board Order 200, 47 FR 42011, 9/23/1982), and expanded on May 17, 1991 (Board Order 522, 56 FR 24171, 5/29/1991) and on September 25, 1997 (Board Order 923, 62 FR 51831, 10/3/1997). The current zone includes the following sites in San Antonio: *Site 1* (1.32 acres)—San Antonio Distribution Center, 5040 Space Center Drive; *Site 2* (50 acres)—San Antonio International Airport Cargo Facilities, 9800 Airport Boulevard; *Site 3* (500 acres)—Freeport Business Center, 10745 Fisher Road; *Site 4* (195 acres)—Cornerstone Business & Industrial Park, 1510 Cornerway Boulevard; *Site 5* (281 acres)—Tri-County Business & Industrial Park, 6421 FM 3009; *Site 6* (633 acres)—Foster Ridge Industrial Park, 6655 Lancer Boulevard; *Site 7A* (11.7 acres)—Binz-Engleman Center, 3802 Binz-Engleman Road; *Site 7B* (18.91 acres)—City Park East Business Center, 8563 NE Loop 410; *Site 8* (45.67 acres)—Coliseum Distribution Center, 1143 AT&T Center Parkway; *Site 9* (85 acres)—Hemisfair Convention Center & Alamodome, 200 South Alamo Street; and, *Site 10* (2,407 acres)—Port San Antonio, 143 Billy Mitchell Boulevard.

The grantee's proposed service area under the ASF would be Bexar County in its entirety and portions of Comal and Guadalupe Counties, Texas, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the San Antonio Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone as follows: Renumber Site 7A as Site 7; Renumber Site 7B as Site 11; and, Sites 1 thru 11 would become "magnet" sites. The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Site 3 be so exempted. No subzones/usage-driven sites are being requested at this time. The application would have no impact on FTZ 80's previously authorized subzones.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is December 29, 2014. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 12, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: October 22, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–25631 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Surveys for User Satisfaction, Impact and Needs

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 29, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Joe Carter—Office of Strategic Planning, 1999 Broadway—Suite 2205, Denver, CO 80220, (303) 844–5656, *joe.carter@trade.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration provides a multitude of international trade related programs to help U.S. businesses. These programs include information products, services, and trade events. To accomplish its mission effectively, ITA needs ongoing feedback on its programs. This information collection item allows ITA to solicit clients' opinions about the use of ITA products, services, and trade events. To promote optimal use and provide focused and effective improvements to ITA programs, we are requesting approval for this clearance package; Including: Use of Comment Cards (i.e. transactional-based surveys) to collect feedback immediately after ITA assistance is provided to clients; use of annual surveys (i.e. relationship-based surveys) to gauge overall satisfaction, impact and needs for clients with ITA assistance provided over a period time; use of multiple data collection methods (i.e. web-enabled surveys sent via email, telephone interviews, automated telephone surveys, and in-person surveys via mobile devices/laptops/tablets at trade events/shows) to enable clients to conveniently respond to requests for feedback; and a forecast of burden hours. Without this information, ITA is unable to systematically determine the actual and relative levels of performance for its programs and products/services and to provide clear, actionable insights for managerial intervention. This information will be used for program evaluation and improvement, strategic planning, allocation of resources and stakeholder reporting.

II. Method of Collection

The International Trade Administration is seeking approval for the following data collection methods to provide flexibility in conducting customer satisfaction surveys and to reduce the burden on respondents: (1) An email message delivering a hot link to a web enabled survey with an email reminder sent if the client does not respond to the survey within two weeks; (2) a telephone survey/interview; (3) an automated telephone survey for callers to 1–800–USA–TRADE so callers can immediately respond without having to provide their email address; and (4) a web-enabled survey conducted in-person at trade shows/events via a laptop, tablet or mobile phone so participants can immediately respond without having to provide their email address.

III. Data

OMB Control Number: 0625–XXX.

Form Number(s): ITA–XXXXP.

Type of Review: Regular submission; new information collection; generic clearance.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.

Estimated Number of Respondents: 30,000.

Estimated Time per Response: 5–20 minutes.

Estimated Total Annual Burden Hours: 5,000 hours.

Estimated Total Annual Cost to Public: $200,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 22, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25489 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On April 24, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand.[1] This review covers two producers and/or exporters of the subject merchandise, Saha Thai Steel Pipe (Public) Company, Ltd. (Saha Thai), and Pacific Pipe Company Limited (Pacific Pipe). The period of review (POR) is March 1, 2012, through February 28, 2013. The Department received comments from interested parties. For the final results, we find that Saha Thai has not sold subject merchandise at less than normal value (NV), and we continue to find that Pacific Pipe had no shipments of subject merchandise during the POR.

DATES: *Effective Date:* October 28, 2014.

FOR FURTHER INFORMATION CONTACT: Jason Rhoads, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0123.

SUPPLEMENTARY INFORMATION:

Background

On April 24, 2014, the Department published, and invited interested parties to comment on, the *Preliminary Results*. Saha Thai and Wheatland Tube Company submitted case briefs on June 16, 2014, and submitted rebuttal briefs on June 23, 2014.

[1] *See Circular Welded Carbon Steel Pipes and Tubes From Thailand: Preliminary Results of Antidumping Duty Administrative Review;* 2012–2013, 79 FR 22794 (April 24, 2014) (*Preliminary Results*).

The Department conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the antidumping order are certain circular welded carbon steel pipes and tubes from Thailand.[2] The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches. The merchandise is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090. Although the HTSUS subheadings are provided for convenience and purposes of U.S. Customs and Border Protection (CBP), the written description of the merchandise subject to the order is dispositive. A full description of the scope of the order is contained in the Issues and Decision Memorandum, which is hereby adopted by this notice.

Final Determination of No Shipments

For the final results of this review, we continue to find that Pacific Pipe had no shipments during the POR.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the Issues and Decision Memorandum. A list of issues that parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov*, and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record as well as comments received from parties regarding the *Preliminary Results*, we made two revisions to Saha Thai's margin calculation for the final results. We (1) used Saha Thai's most up-to-date cost of production file, and (2) adjusted Saha Thai's duty drawback amount so that the amount added to export price is consistent with the amount added to Saha Thai's calculated cost of production.[4]

Final Results of Review

As a result of our review, we determine the following weighted-average dumping margins exist for the period March 1, 2011, through February 29, 2012.

Producer/exporter	Weighted-average dumping margin (percent)
Saha Thai Steel Pipe (Public) Company, Ltd	0.00
Pacific Pipe Company Limited	(*)

* No shipments or sales subject to this review. The firm has an individual rate from the last segment of the proceeding in which the firm had shipments or sales.

Assessment Rates

In accordance with 19 CFR 351.106(c)(2) and the *Final Modification for Reviews*,[5] the Department will instruct CBP to liquidate appropriate entries for Saha Thai without regard to antidumping duties.

The Department clarified its "automatic assessment" regulation on May 6, 2003.[6] This clarification applies to entries of subject merchandise during the POR produced by Saha Thai for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Consistent with the *Assessment Policy Notice*, because we continue to find that Pacific Pipe had no shipments of subject merchandise to the United States, we will instruct CBP to liquidate all applicable entries of merchandise produced by Pacific Pipe and exported by other parties at the rate for the intermediate reseller, if available, or at the all-others rate.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of circular welded carbon steel pipes and tubes from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Saha Thai will be 0.00 percent, the weighted-average dumping margin established in the final results of this administrative review; (2) for Pacific Pipe and previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the less than fair value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the LTFV investigation, then the cash deposit rate will be the "all-others" rate of 15.67 percent established in the LTFV investigation.[7] These deposit rates, when imposed, shall remain in effect until further notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could

[2] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled "Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Circular Welded Carbon Steel Pipes and Tubes from Thailand: 2012–2013 Administrative Review," dated concurrently with this notice (Issues and Decision Memorandum), for a complete description of the scope of the order.

[3] *See Preliminary Results.*

[4] *See* Saha Thai's Final Analysis Memorandum and Memorandum to the File, entitled "Final Results of the Administrative Review of Circular Welded Carbon Steel Pipes and Tubes from Thailand: Analysis Memorandum for Saha Thai Steel Pipe (Public) Company, Ltd.," dated concurrently with this notice.

[5] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

[6] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

[7] *See Antidumping Duty Order: Circular Welded Carbon Steel Pipes and Tubes From Thailand*, 51 FR 8341 (March 11, 1986).

result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction 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 terms of an APO is a sanctionable violation.

The Department is issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 21, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2014–25611 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC), Extension of Time To Submit Nominations

AGENCY: International Trade Administration, DOC.

ACTION: Solicitation of Nominations for Membership to the Environmental Technologies Trade Advisory Committee.

SUMMARY: This notice extends until November 14, 2014, the time period for submission of nominations for membership to the Environmental Technologies Trade Advisory Committee (ETTAC or Committee). The original notice soliciting nominations was published on September 5, 2014 (79 FR 53017). ETTAC was established pursuant to Title IV of the Jobs Through Trade Expansion Act, 22 U.S.C. 2151, and under the Federal Advisory Committee Act, 5 U.S.C. App. 2. ETTAC was first chartered on May 31, 1994. ETTAC serves as an advisory body to the Environmental Trade Working Group of the Trade Promotion Coordinating Committee (TPCC), reporting directly to the Secretary of Commerce (Secretary) in his/her capacity as Chair of the TPCC. ETTAC advises on the development and administration of programs to expand U.S. exports of environmental technologies, goods, and services.

DATES: Nominations for membership must be received on or before November 14, 2014.

ADDRESSES: Please send nominations by post, email, or fax to the attention of Maureen Hinman, Designated Federal Officer/ETTAC, Office of Energy & Environmental Industries, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4053, Washington, DC 20230; phone 202–482–0627; or email *maureen.hinman@trade.gov;* fax 202–482–5665. Electronic responses should be submitted in Microsoft Word format.

Nominations: The Secretary invites nominations for membership to ETTAC, which consists of approximately 35 members appointed by the Secretary, in accordance with applicable Department of Commerce guidance and based on their ability to carry out the objectives of the Committee. Members represent U.S. exporters of environmental technologies, products and services; reflect the diversity of this sector, including in terms of company size and geographic location; and are drawn from U.S. environmental technologies manufacturing and services companies, U.S. trade associations, and U.S. private sector organizations involved in the promotion of exports of environmental technologies, products and services.

Membership in a committee operating under the Federal Advisory Committee Act must be balanced in terms of economic subsector, geographic location, and company size. Committee members serve in a representative capacity and must be able to generally represent the views and interests of a certain subsector of the U.S. environmental industry; they are, therefore, not Special Government Employees.

Each member of the Committee must be a U.S. citizen, and not registered as a foreign agent under the Foreign Agents Registration Act. No member may represent a company that is majority-owned or controlled by a foreign government entity or foreign government entities. Companies must be at least 51 percent owned by U.S. persons. Candidates should be senior executive-level representatives from environmental technology companies, trade associations, and U.S. private-sector organizations involved in the promotion of exports of environmental technologies, products and services. Members of the ETTAC should have experience in the exportation of one or more environmental technologies, goods and/or services, including:

(1) Air pollution control and monitoring technologies;

(2) Analytic devices and services;

(3) Environmental engineering and consulting services;

(4) Financial services relevant to the environmental sector;

(5) Process and pollution prevention technologies;

(6) Solid and hazardous waste management technologies; and/or

(7) Water and wastewater treatment technologies.

The Secretary will appoint at least one individual representing each of the following:

a. Environmental businesses, including small businesses;

b. Trade associations in the environmental sector;

c. Private sector organizations involved in the promotion of environmental exports, including products that comply with U.S. environmental, safety, and related requirements;

d. States (as defined in 15 U.S.C. 4721(j)(5)) and associations representing the States; and

e. Other appropriate interested members of the public, including labor representatives.

Nominees will be evaluated based upon their ability to carry out the objectives of the Committee. ETTAC's current Charter is available at *http://www.environment.ita.doc.gov* under the tab: *Advisory Committee.* Appointments will be made to create a balanced Committee in terms of subsector representation, product lines, firm size, geographic area, and other criteria.

All appointments are made without regard to political affiliation. Members shall serve at the pleasure of the Secretary from the date of appointment to the Committee to the date on which the Committee's charter terminates (normally two years).

For each nominee, please provide the following information (2 pages maximum):

(1) Name

(2) Title

(3) Work phone; fax; and email address

(4) Organization name and address, including Web site address

(5) Short biography of nominee, including credentials and proof of U.S. citizenship (copy of birth certificate and/or U.S. passport) and a list of citizenships of foreign countries

(6) Brief description of the organization and its business activities, including

(7) Company size (number of employees and annual sales)

(8) Exporting experience

(9) An affirmative statement that the nominee will be able to meet the expected time commitments of Committee work. Committee work includes (1) attending in-person committee meetings approximately four times per year, (2) undertaking additional work outside of full committee meetings including subcommittee conference calls or meetings as needed, and (3) drafting or commenting on proposed recommendations to be evaluated at Committee meetings.

Please do not send company or trade association brochures or any other information.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Hinman, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230. (Phone: 202–482–0627; Fax: 202–482–5665; or email: *maureen.hinman@trade.gov*).

Dated: October 22, 2014.

Catherine P. Vial,

Team Leader, Environmental Industries.

[FR Doc. 2014–25559 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD579

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Friday, November 14, 2014 at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Four Points Sheraton, 407 Squire Road, Revere, MA 02151; telephone: (781) 284–7200; fax: (781) 289–3176.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will review Framework 26 analyses and make final recommendations for preferred alternatives. Framework 26 includes fishery specifications for FY2015 and FY2016 (default), which includes days-at-sea allocations, access area allocations, individual fishing quota (IFQ) allocations for the general category fishery, a hard total allowable catch (TAC) for the Northern Gulf of Maine (NGOM) area and target TAC for vessels with a general category incidental catch permit. The Committee will also make final recommendations on other measures being considered: (1) Measures to allow fishing in state waters after federal NGOM TAC is reached; (2) measures to make turtle regulations consistent in the scallop fishery and slight modification to regulations related to the flaring bar of the turtle deflector dredge; (3) measures to modify the existing area closure accountability measures in place for Georges Bank and Southern New England/Mid-Atlantic yellowtail flounder, and develop new accountability measures for northern windowpane flounder; and (4) consider measures to allow limited access scallop vessels to declare out of the fishery when steaming back to port. Other issues may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: October 23, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–25604 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD580

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, November 13, 2014 at 9 a.m.

ADDRESSES: *Meeting address:* The meeting will be held at the Four Points Sheraton, 407 Squire Road, Revere, MA

02151; telephone: (781) 284–7200; fax: (781) 289–3176.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Advisory Panel will review Framework 26 analyses and make final recommendations for preferred alternatives. Framework 26 includes fishery specifications for FY2015 and FY2016 (default), which includes days-at-sea allocations, access area allocations, individual fishing quota (IFQ) allocations for the general category fishery, a hard total allowable catch (TAC) for the Northern Gulf of Maine (NGOM) area and target TAC for vessels with a general category incidental catch permit. The Advisory Panel will also make final recommendations on other measures being considered: (1) Measures to allow fishing in state waters after federal NGOM TAC is reached; (2) measures to make turtle regulations consistent in the scallop fishery and slight modification to regulations related to the flaring bar of the turtle deflector dredge; (3) measures to modify the existing area closure accountability measures in place for Georges Bank and Southern New England/Mid-Atlantic yellowtail flounder, and develop new accountability measures for northern windowpane flounder; and (4) consider measures to allow limited access scallop vessels to declare out of the fishery when steaming back to port. Other issues may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: October 23, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–25605 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD560

Marine Mammals; File No. 18208

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Randy Sacco, Ph.D., Ruminant Diseases and Immunology Research Unit, National Animal Disease Center, 1920 Dayton Road, P.O. Box 70, Ames, IA 50010, has applied in due form for a permit to receive cell line specimens of marine mammals for scientific research purposes.

DATES: Written, telefaxed, or email comments must be received on or before November 28, 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. 18208 from the list of available applications.

This document is also available upon written request or by appointment in the following office:

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.

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 File No. 18208 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.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to receive cell lines from up to two Atlantic spotted dolphins (*Stenella frontalis*), three Atlantic bottlenose dolphins (*Tursiops truncatus*), and three common dolphins (*Delphinus delphis*) to study mechanisms whereby respiratory pathogens alter dolphin anti-viral or cytokine/chemokine responses using a parainfluenza virus isolated from a bottlenose dolphin. The objective is to provide information on how influenza viruses affect dolphins and potentially induce disease. Cell lines would be obtained from the American Type Culture Collection or other permitted researchers authorized to maintain cell lines, and would be analyzed at the National Animal Disease Center in Ames, IA. The applicant has requested the permit be valid for 5 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: October 20, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–25577 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA292

Permit, Amendment: Marine Mammals; File No. 16087

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that an amendment to Permit No. 16087–01 has been issued to NMFS National Marine Mammal Laboratory, Seattle, WA to conduct research on pinnipeds.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; telephone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Courtney Smith, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On May 2, 2014, notice was published in the **Federal Register** (79 FR 25113) that a request for a permit to conduct research on pinnipeds had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 16087–02 authorizes the permit holder to take marine mammals in California, Oregon, and Washington to investigate population status, health, demographic parameters, life history and foraging ecology of California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina*), northern elephant seals (*Mirounga angustirostris*), and Guadalupe fur seals (*Arctocephalus townsendi*). Research procedures involve capture, administering drugs, anesthesia, attaching scientific instruments, marking, measuring, restraint, tissue sampling, ultrasound, weighing, incidental harassment, euthanasia, and unintentional mortalities. The amendment modified annual takes and sample collection methods for California sea lions, Pacific harbor seals, and northern elephant seals; and added census, tagging and monitoring of threatened Guadalupe fur seal populations. The permit expires on June 30, 2019.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: October 10, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–25578 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Extension of Comment Period for Telecommunications Assessment of the Arctic Region

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice; Extension of Comment Period.

SUMMARY: On October 3, 2014, the National Telecommunications and Information Administration (NTIA) published a Notice of Inquiry (NOI) to seek public comment on the current and potential availability of communications services in the Arctic region as called for by the *Implementation Plan for the National Strategy for the Arctic Region.* 79 FR 59746. The NOI requests public comments no later than November 3, 2014. Through this Notice, NTIA is extending the public comment period until December 3, 2014, to afford parties a full opportunity to respond to the important issues presented in the NOI.

DATES: Written comments are requested by December 3, 2014.

ADDRESSES: Comments may be submitted by email to *arcticnoi@ntia.doc.gov.* Comments also may be submitted by fax at (202) 501–8009 or by mail to: National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4898, Attn: Arctic NOI, Washington, DC 20230. Responders should include the name of the person or the organization, as well as a page number on each page of their submissions. Paper submissions should also include a CD or DVD with an electronic version of the document, which should be labeled with the name and organization of the filer. All email messages and comments received are a part of the public record and will generally be posted without change to the NTIA Web site at *http://www.ntia.doc.gov/federal-register notice/2014/comments-arctic-noi.* All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Please do not submit any confidential or business sensitive information. NTIA intends to use the information provided in response to this Notice about potential future plans for communications networks in Arctic Alaska only in the aggregate, excluding companies' names and customer information. Additionally, this information will be used to describe potential future communications developments to fill the gaps where services are not currently provided. Comments received will be posted on the NTIA Web site at *http://www.ntia.doc.gov.*

FOR FURTHER INFORMATION CONTACT: Helen Shaw, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4874, Washington, DC 20230; telephone: (202) 482–1157; email: *hshaw@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002.

SUPPLEMENTARY INFORMATION: On October 3, 2014, the National Telecommunications and Information Administration (NTIA) published a Notice of Inquiry (NOI) to seek public comment on the current and potential availability of communications services in the Arctic region as called for by the *Implementation Plan for the National Strategy for the Arctic Region.* 79 FR 59746. Effective communications services are critical to accommodate the increase in commercial, residential, governmental, and other critical economic and social activities across Arctic Alaskan communities, as well as the pan-Arctic region in general. A robust communications infrastructure is a critical tool in economic development, and it is expected that communications networks will contribute to small business development, economic growth, and corresponding employment increases. Accurate and reliable networks and services, such as radionavigation, are critical to the safety and security of the region. The NOI offers an opportunity for all interested parties to provide information regarding existing and potential communications

technologies, services and applications for the Arctic region. Through this Notice, NTIA is extending the comment period for the NOI from November 3, 2014, until December 3, 2014, to afford parties a full opportunity to respond to the important issues presented in the Notice.

Dated: October 23, 2014.

Kathy D. Smith,

Chief Counsel.

[FR Doc. 2014–25574 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Multistakeholder Process To Develop Consumer Data Privacy Code of Conduct Concerning Facial Recognition Technology

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meetings.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene meetings of a privacy multistakeholder process concerning the commercial use of facial recognition technology on November 6, 2014, and December 15, 2014.

DATES: The meetings will be held on November 6, 2014, and December 15, 2014 from 1:00 p.m. to 5:00 p.m., Eastern Time. See Supplementary Information for details.

ADDRESSES: The meetings will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: John Verdi, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; telephone (202) 482–8238; email *jverdi@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background: On February 23, 2012, the White House released *Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy* (the "Privacy Blueprint").[1] The Privacy Blueprint directs NTIA to convene multistakeholder processes to develop legally enforceable codes of conduct that specify how the Consumer Privacy Bill of Rights applies in specific business contexts.[2] On December 3, 2013, NTIA announced that it would convene a multistakeholder process with the goal of developing a code of conduct to protect consumers' privacy and promote trust regarding facial recognition technology in the commercial context.[3] On February 6, 2014, NTIA convened the first meeting of the multistakeholder process, followed by additional meetings through July 2014.

Matters To Be Considered: The November 6, 2014 and December 15, 2014 meetings are continuations of a series of NTIA-convened multistakeholder discussions concerning facial recognition technology. Stakeholders will engage in an open, transparent, consensus-driven process to develop a code of conduct regarding facial recognition technology. The November 6, 2014 and December 15, 2014 meetings will build on stakeholders' previous work. More information about stakeholders' work is available at: *http://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology.*

Time and Date: NTIA will convene meetings of the privacy multistakeholder process regarding facial recognition technology on November 6, 2014 and December 15, 2014, from 1:00 p.m. to 5:00 p.m., Eastern Time. The meeting dates and times are subject to change. The meetings are subject to cancelation if stakeholders complete their work developing a code of conduct. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Place: The meetings will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006. The location of the meetings is subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Other Information: The meetings are open to the public and the press. The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to John Verdi at (202) 482–8238 or *jverdi@ntia.doc.gov* at least seven (7) business days prior to the meeting. The meetings will also be webcast. Requests for real-time captioning of the webcast or other auxiliary aids should be directed to John Verdi at (202) 482–8238 or *jverdi@ntia.doc.gov* at least seven (7) business days prior to the meeting. There will be an opportunity for stakeholders viewing the webcasts to participate remotely in the meetings through a moderated conference bridge, including polling functionality. Access details for the meetings are subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2013/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Dated: October 23, 2014.

Kathy D. Smith,

Chief Counsel.

[FR Doc. 2014–25573 Filed 10–27–14; 8:45 am]

BILLING CODE 3510–60–P

[1] The Privacy Blueprint is available at *http://www.whitehouse.gov/sites/default/files/privacy-final.pdf.*

[2] *Id.*

[3] NTIA, *Facial Recognition Technology, http://www.ntia.doc.gov/other-publication/2013/privacy-multistakeholder-process-facial-recognition-technology.*

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0132]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 28, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form And OMB Number: Appointment of Chaplains for the Military Services; DD Form 2088—Statement of Ecclesiastical Endorsement; OMB Control Number: 0704–0190.

Type of Request: Revision.

Number of Respondents: 520.

Responses per Respondent: 2.

Annual Responses: 1040.

Average Burden per Response: 45 minutes.

Annual Burden Hours: 780.

Needs And Uses: This information collection is necessary to provide

certification that a Religious Ministry Professional is professionally qualified to become a chaplain. The DD Form 2088 is used to verify the professional and ecclesiastical qualifications of Religious Ministry Professionals for initial appointment or chaplains change of career status appointments as chaplains in the Military Service. This form is an essential element of a chaplain's professional qualifications and will become a part of a chaplain's military personnel record. DoD listed endorsing agents utilize the form to endorse military chaplains representing their organizations.

Affected Public: Not for profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

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.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: October 23, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–25575 Filed 10–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

[Certification Notice—229]

Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On October 1, 2014, Newark Energy Center, LLC, as owner and operator of a new base load electric powerplant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to § 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**. 42 U.S.C. 8311(d) and 10 CFR 501.61(c).

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence at (202) 586–5260.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U.S.C. 8311.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

Owner: Newark Energy Center, LLC.

Capacity: 705 megawatts (MW).

Plant Location: Newark, Essex County, New Jersey.

In-Service Date: December 1, 2014.

Issued in Washington, DC, on October 22, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–25586 Filed 10–27–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology Meeting

AGENCY: Department of Energy (DOE).

ACTION: Notice of partially-closed 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: Friday, November 14, 2014, 9 a.m.–12 p.m.

ADDRESSES: National Academy of Sciences in the Lecture Room, 2101 Constitution Avenue NW., Washington, DC.

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) 456–4444. 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.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology (PCAST) is scheduled to meet in open session on November 14, 2014, from 9 a.m. to 12 p.m.

Open Portion of Meeting: During this open meeting, PCAST is scheduled to discuss challenges and opportunities in space sciences, technology and innovation in support of national security, Ebola, and corporate investments in brain research and neurotechnologies. 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 one hour with the President on November 14, 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 November 14, 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 November 6, 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 minutes per person, with a total public comment period of up to 15 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 November 6, 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 the email or telephone number above) at least 10 business days prior to the meeting so that appropriate arrangements can be made.

Issued in Washington, DC, on October 22, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–25585 Filed 10–27–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee

AGENCY: Office of Science, DOE.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register.**

DATES: Monday, November 17, 2014, 9 a.m. to 5 p.m.

ADDRESSES: Hilton Washington DC/Rockville Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, Maryland 20852, (301) 468–1100.

FOR FURTHER INFORMATION CONTACT: Brenda L. May, U.S. Department of Energy; SC–26/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290 Telephone: (301) 903–0536.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

Tentative Agenda: Agenda will include discussions of the following:

Monday, November 17, 2014

- Perspectives from Department of Energy and National Science Foundation
- Update from the Department of Energy and National Science Foundation's Nuclear Physics Office's
- Status of the Long Range Plan Activities
- Status of Isotope Subcommittee Activities
- Presentations from DOE/NSF National Users Facilities

Note: The NSAC Meeting will be broadcast live on the Internet. You may find out how to access this broadcast by going to the following site prior to the start of the meeting. A video record of the meeting including the presentations that are made will be archived at this site after the meeting ends: *http://www.tvworldwide.com/events/DOE/141117/.*

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May, (301) 903–0536 or *Brenda.May@science.doe.gov* (email). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's *http://science.energy.gov/np/nsac/* Web site for viewing.

Issued at Washington, DC, on October 22, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–25587 Filed 10–27–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

H2 Refuel H-Prize Final Guidelines

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of the H2 Refuel H-Prize Competition.

SUMMARY: As authorized in Section 654 of the Energy Independence and Security Act of 2007, the Department of Energy (DOE) is announcing the $1 million H2 Refuel H-Prize competition, allowing teams from across the United States to compete and develop systems that generate and dispense hydrogen from resources commonly available to residences (electricity or natural gas), for use in homes, community centers, businesses or similar locations, to supplement the current infrastructure roll-out and reduce barriers to using hydrogen fuel cell vehicles.

DATES:

—Competition opens—October 29, 2014.

—Competition ends—October 31, 2016: Data will be analyzed to determine winner Award of $1 million prize, if the Panel of Judges determines that there is a winning entry.

For more information regarding the dates relating to this competition, see, section III., Competition requirements and process, Key Dates, in the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: The H-Prize Web site is *http://hydrogenprize.org*, where updates and announcements will be posted throughout the competition.

FOR FURTHER INFORMATION CONTACT: Questions may be directed to—

Technical information: Reginald Tyler at 720–356–1805 or by email at *HPrize@ee.doe.gov*

Prize contest: Emanuel Wagner, Contest Manager, Hydrogen Education Foundation, at 202–457–0868 x360 or by email at *EWAGNER@ttcorp.com*.

SUPPLEMENTARY INFORMATION:

I. Introduction

Fuel cells powered by hydrogen from renewable or low-carbon resources can lead to substantial energy savings and reductions in imported petroleum and carbon emissions. Fuel Cell Electric Vehicles (FCEVs) are much more efficient than today's gasoline vehicles, and when fueled with hydrogen, produce only water vapor at the tailpipe. The hydrogen fuel can be generated from a range of domestic sources. While the commercial sale of FCEVs is rapidly approaching, infrastructure remains a major challenge, with only approximately 50 fueling stations in the United States, only 10 of which are operating as public stations. The H-Prize was authorized under section 654 of the Energy Independence and Security Act of 2007 (Pub. L. 110–140). As efforts to build a hydrogen fueling station infrastructure are getting underway, the H2 Refuel H-Prize is intended to incentivize the development of small-scale systems for non-commercial fueling to supplement the larger-scale infrastructure development.

The H2 Refuel H-Prize anticipates award of a $1 million prize to the top refueler system entry that can produce hydrogen using electricity and/or natural gas, energy sources commonly available to residential locations, and dispense the hydrogen to a vehicle, providing at least 1 kg per refueling. Systems considered would be at the home scale and able to generate and dispense 1–5 kg H_2/day for use at residences, or the medium scale, generating and dispensing 5–50 kg H_2/day. Medium scale systems would serve a larger community with multiple users daily, such as a large apartment complex or retail centers to fuel small fleets of vehicles (e.g., light duty automobiles, forklifts or tractors).

Interested parties can register and find more information, updates and pages where teams can discuss the prize at the H-Prize Web site: *http://hydrogenprize.org*. The Hydrogen Education Foundation (HEF) is currently administering the prize for the U.S. Department of Energy (DOE), and DOE will coordinate prize activities with HEF.

Teams will have a year to design a system that generates and dispenses hydrogen fuel that meets the criteria and identify a location where it can be installed and used. Twelve months after the competition opens, teams will be required to complete registration and submit system designs and blue prints, plans for installation, and preliminary data to demonstrate that the system satisfies the minimum criteria (see Criteria section). Teams will also need to provide documented evidence of cooperation from the installation site. Of the teams that meet all of the minimum criteria, the top entries will be selected as finalists to enter the testing phase. The selected teams will then have seven months to install and begin operating their systems. The systems must be compatible with remote monitoring equipment to allow remote monitoring for the testing period; compatibility requirements will be posted on the H-Prize Web site. Starting 21 months after the competition opens, the finalist systems will be remotely monitored and tested, and approximately two months of data will be collected. At least one on-site visit will be performed to verify data and perform tests that cannot be done remotely. Teams must also provide requested information to a DOE designated entity for independent verification of the cost of the system and the cost of the generated hydrogen. The scoring criteria will be ranked and weighted.

PROPOSED TIMELINE

Current tentative date	Activity
March 2014	Draft Guidelines posted for public comment.
April 2014	Comment period closes.
October 2014	Competition opens.
	H-Prize Website opens, including an online system to facilitate teaming and partnerships.
	Teams design systems, collect data, identify installation location, and registers for the prize ahead of data submission deadline.
October 2015	Preliminary data submission deadline.
	Teams will submit data, provide designs and blueprints and information about installation site, to indicate that the system is capable of meeting the base criteria.
December 2015	Finalist teams are announced—go to testing stage.
	Finalist Teams install systems and get them up and running.
	Before the testing period begins, remote monitoring equipment will be installed by the designated data analysis team.
July 2016	System testing begins.

PROPOSED TIMELINE—Continued

Current tentative date	Activity
October 2016	Competition ends—data is analyzed to determine winner.
December 2016 (tentative)	Anticipated winner announcement.

II. Prize Criteria and Testing

Finalist Selection Phase

Twelve months after the competition opens, teams interested in competing must have completed registering for the competition and submit all required information. To be considered, an entry must meet the initial selection criteria defined below. Teams will be required to submit data that demonstrates the system's ability to meet the indicated criteria. The top teams to provide convincing evidence that the entry could satisfy the minimum criteria will be selected for testing. Specific instructions will be posted on the H-Prize Web site detailing the required information. In addition to the required technical criteria data, teams will submit system descriptions and preliminary designs and installation concepts which will be evaluated by an expert panel to determine if the entries are likely to meet reasonable usability, cost and safety criteria. Usability refers to the ability of the system to be installed and used at the intended locations (e.g., considering footprint and noise), and to be easily operated by the average user (e.g., with minimum training and time). Because a goal of the H-Prize is to advance commercial applications of hydrogen energy technologies, the potential of the systems to ultimately be commercialized will also be evaluated, and a description of a pathway to commercial production of the systems, including manufacturing, will be requested. To evaluate the potential safety of the system, certain information will be requested, including a safety plan and a hazard analysis; specific instructions will be available at the H-Prize Web site. A safety page on the H-Prize Web site will provide updated information on safety issues and requirements for the safety plan and hazard analysis. To be selected as a finalist, contestant designs, installation details and safety plans must be judged adequately safe by a panel of safety professionals.

MINIMUM/MAXIMUM CRITERIA TABLE

Criteria	Home	Community
Minimum dispensing pressure	350 bar.	
Maximum dispensing time (standard fill)	10 hours	60 minutes.
Min. hydrogen dispensed per day	1 kg	5 kg.
Hydrogen purity	Meets SAE J2719 (Hydrogen Fuel Quality for Fuel Cell Vehicles).	
Fill method	Compliant with relevant codes (for automobiles, SAE J2601 Fueling Protocols for Light Duty Gaseous Hydrogen Surface Vehicles) and ensures that delivered hydrogen does not exceed the pressure and temperature limits of the vehicle storage tank.	
Safety	Meets relevant safety codes and standards for installation in target location.	

Finalist Competition

The finalist teams will have seven months to install their systems at a location of their choosing before testing begins. Among other considerations, entries must meet the safety codes and standards in effect at the installation location appropriate to the system. Further, all required permits and approvals must be received prior to system operations.

Each entry will be scored in six different technical and cost criteria:

—Dispensing pressure
—Dispensing time
—Number of standard fills per day
—Tested availability
—Total installed system cost
—Direct user cost per kg

The criteria and scoring ranges are listed in more detail below.

Testing for the technical criteria will be performed remotely over a period of 2 to 3 months, with at least one on-site inspection to verify data and perform testing that cannot be done remotely. Summary level testing results will be published. The base criteria listed in Minimum/Maximum Criteria Table will be tested to ensure that all entries meet those requirements. A standard fill is defined as the delivery of 1 kg of hydrogen to a vehicle tank.

The cost criteria will be evaluated by an independent auditing entity. Teams will be required to submit cost information, such as the bill of materials for the system installation and system operating costs during the testing period. Specific details on required information will be provided to finalist teams after selection.

Entries will receive scores for the tested criteria as described below, with different multipliers for each of the criteria. When testing is complete, the data will be analyzed to determine scores. Once all results have been analyzed, judges will evaluate the results and determine the scores based on the published scoring criteria, and confirm entry eligibility based on the base criteria and eligibility requirements. After resolving any ties (see tie resolution process below), the eligible team with the highest score will be the winner.

Installation Site Criteria

Any site in the 50 United States and the District of Columbia can be used for the installation of the refueler, as long as there is access for installing equipment for remote monitoring, at least one on-site visit for in-depth testing, and at least one visit by the press and public.

To meet testing requirements, the fueling system should be used at an average of at least 50% planned capacity per week (e.g., for a home system designed to dispense 1 kg/day, at least four 1-kg "fills" per week; for a community system designed to produce 20 kg/day, it should dispense at least 70

1-kg "fills" per week). If on-site use is below this level, simulated fills can be used for testing. Simulated fill protocols will be posted on the H-Prize Web site before testing begins.

Entries must meet the safety codes and standards in effect at the installation location. Teams are encouraged to consider the relevant SAE, ASME and NFPA codes and standards.[1]

Prize Criteria

The criteria were developed through discussion with experts in the field, including members of Hydrogen and Fuel Cell Technical Advisory Committee, other DOE offices, and federal agencies, and from responses to a Request for Information (DE–FOA–0000907: RFI—Home Hydrogen Refueler H-Prize Topic, *http://www1.eere.energy.gov/financing/solicitations_detail.html?sol_id=600*) and public comments on the draft criteria (79 FR 15737).

Each of the criteria is assigned a 1–5 point scale connected to different ranges. To be eligible, entries must receive at least the minimum score for each category. For some criteria, the ranges for home and community systems may be different. A score multiplying factor will be used to weight the different criteria.

Dispensing pressure		
Score	Home	Community
1	350 bar or higher.	
2	400 bar or higher.	
3	500 bar or higher.	
4	600 bar or higher.	
5	700 bar or higher (ultimate goal).	

Dispensing Pressure refers to the pressure of the hydrogen dispensed to the vehicle. Intermediate pressures are listed to incentivize advancements towards low-cost systems that can meet the ultimate target of 700 bar.

Dispensing time		
Score	Home	Community
1	10 hours/kg or less	60 minutes/kg or less.
2	8 hours/kg or less	30 minutes/kg or less.
3	5 hours/kg or less	15 minutes/kg or less.
4	2 hours/kg or less	10 minutes/kg or less.
5	30 minutes/g or less	3 minutes/kg or less.

Dispensing time is the time required to dispense a standard fill of hydrogen to a vehicle, including time required to connect the system to the vehicle and begin the hydrogen flow. Home systems may have longer fueling times, up to overnight, while multi-user system are expected to have shorter fueling times.

Number of standard fills per day		
Score	Home	Community
1	1 or more	5 or more.
2	2 or more	10 or more.
3	3 or more	20 or more.
4	4 or more	40 or more.

Number of standard fills per day		
Score	Home	Community
5	5 or more	50 or more.

The standard fills per day will be based on the highest number of actual or simulated fills completed in a 24 hour period.

Tested availability		
Score	Home	Community
1	80% or higher.	
2	85% or higher.	
3	90% or higher.	

Tested availability		
Score	Home	Community
4	95% or higher.	
5	98% or higher.	

Availability will be tested over a period of two to three months, during which time system usage will need to be at least 50% of the planned capacity per week. Any time spent on repairs or non-routine maintenance during the testing period will count as non-available, even if compensated for (e.g., repairs done during scheduled down-time, or using stored hydrogen).

Total installed system cost (capital + installation)		
Score	Home	Community
1	$25k/kg/day or less	$15k/kg/day or less.
2	$20k/kg/day or less	$12.5k/kg/day or less.
3	$15k/kg/day or less	$10k/kg/day or less.
4	$10k/kg/day or less	$7.5k/kg/day or less.
5	$5k/kg/day or less	$5k/kg/day or less.

Total Installed System Costs will be based on the actual cost for the system equipment (including balance of plant to the nozzle interface) as well as the actual installation costs. The total cost for scoring will be based on the amount of hydrogen dispensed per day—for example, a home system designed and demonstrated to dispense 1 kg/day with a system installed cost of $24,000 would score 1 point, while a system designed to dispense 2 kg/day at the same cost would receive a score of 3. Teams will be expected to provide information such as the bill of materials for all components. Details of the specific information requested will be provided to the teams selected for testing. If the system proposed provides heat and/or power in addition to hydrogen for refueling, the cost of the entire system will be considered when scoring this criterion. Integrated systems that provide heat and/or power in addition to hydrogen for refueling will be awarded bonus points (see bonus points below).

[1] Codes and standards to consider include but are not limited to SAE J2719, ASME B31–12, ASME B31–3, ASME BPV Code, NFPA 2 and NFPA 70. Depending on the system, some codes and standards may not apply.

Direct user cost per kg		
Score	Home	Community
1	$20 or less.	
2	$17 or less.	
3	$14 or less.	
4	$11 or less.	
5	$8 or less.	

Direct user cost per kg will be based on feedstock inputs and actual operations and maintenance costs during the testing period, divided by the amount of hydrogen that is produced and used. The direct user cost per kg excludes the capital and installation costs, which are included in the total installed system cost category. Feedstock cost inputs will be based on actual usage, using a single price for all entries for each input to eliminate regional variation, based on the EIA 2014 projections for average price to all users: $0.098/kWh for electricity and $6.60/million BTU for natural gas. All generated and used hydrogen is counted in determining the $/kg—for example, a system that generates 10 kg/day, where 4 kg is used for fuel vehicles and 5 is used in a fuel cell to produce power would divide the daily user costs by 9.

Scoring

Criteria category	Score multiplier
Dispensing pressure	3
Dispensing time	1
Standard fills per day	1
Tested Availability	2
System installation cost	2
Direct user cost per kg	1

A bonus score of up to 3 points will be awarded for integrated systems in order to offset the additional costs associated with adding heat and/or power, based on how much heat or power is provided.

Bonus points	
Points	Heat or power supplied
1	Supply at least 35 gallons of hot water per day.
1	Supply at least 25,000 BTU/hr of space heating.
1	Supply at least 10 kWh electricity per day.

Scoring Example

Example A: Makes all the lowest scores

Criteria category	Result	Category score	Score multiplier	Total scores
Dispensing pressure	360 bar	1	3	3
Dispensing time	8 hours	1	1	1
Standard fills per day	1	1	1	1
Tested Availability	81%	1	2	2
System installation cost	$23k/kg	1	2	2
Direct user cost per kg	$19/kg	1	1	1
Bonus categories	None	0	0	0
Total	.....	.....	.....	10

Example B: Mixture of scoring levels

Criteria category	Result	Category score	Score multiplier	Total scores
Dispensing pressure	475 bar	2	3	6
Dispensing time	3 hours	3	1	3
Standard fills per day	3	3	1	3
Tested Availability	88%	2	2	4
System installation cost	$18k/kg	2	2	4
Direct user cost per kg	$11/kg	4	1	4
Bonus categories	Supplies hot water	1	.....	1
Total	.....	.....	.....	25

Judging and Testing

A panel of independent judges will be assembled from experts in relevant fields, selected by DOE in consultation with HEF. Judges may be selected from organizations such as the Hydrogen Safety Panel, the Hydrogen and Fuel Cells Technical Advisory Committee, National Labs, and relevant federal agencies. An independent testing entity will be selected to perform remote and on-site technical data collection, and an independent auditing oversight entity will collect and analyze the cost data.

Tie Resolution Process

If the results for any of the technical criteria for different entries differ by less than the measurement error range, then those systems will be considered tied for that category and given the higher of the two scores (for example, if the pressure measurement error range is 5%, and Entry A has a dispensing pressure of 499 bar and Entry B has a pressure of 500 bar, both will be given 3 points for the category).

If the top entries' total scores are tied, the entry with the highest measured pressure will win; if the pressure measurements are within the measurement error, the entry with the highest measured availability will be selected as the winner. Otherwise, the entry with the highest score will win.

III. Competition Requirements and Process

Eligibility

This H-Prize Competition is open to contestants, defined as individuals, entities, or teams that meet the following requirements:

1. Comply with all Registration and H-Prize Competition Rules and Requirements as listed in this document and in any updates posted on the H-Prize Web site and/or the **Federal Register**;

2. In the case of an entity: Be organized or incorporated in the United States, and maintain for the duration of the H-Prize Competition a primary place of business in the United States;

3. In the case of all individuals (whether participating singly or as part of an entity or team): be a citizen of, or an alien lawfully admitted for permanent residence into, the United States as of the date of Registration in the H-Prize Competition and maintain that status for the duration of the H-Prize Competition;

4. A team may consist of two or more individuals, entities, or any combination of both. All team members listed on the contestant roster must meet the requirements of individuals or entities.

5. Provide the following documentation:

a. In the case of U.S. Citizens: Provide proof of U.S. Citizenship with Registration, as follows:

i. Notarized copy of U.S. Passport, or

ii. Notarized copies of both a current state-issued photo ID issued from one of the 50 States or a U.S. Territory *and* a birth certificate;

b. In the case of aliens lawfully admitted for permanent residence in the United States: Provide notarized copy of Permanent Resident Card (Form 1–551)(green card) with Registration;

c. In the case of entities: Provide a copy of the entity formation documentation (e.g. Articles of Incorporation) showing the place of formation, as well as a self-certification of the primary place of business;

6. The contestant, or any member of a contestant, shall not be a Federal entity, a Federal employee acting within the scope of his or her employment, or an employee of a National Laboratory acting within the scope of his or her employment;

7. Sign a waiver of claims against the Federal Government and the HEF. *See* 42 U.S.C. 16396(f)(5)(A);

8. Obtain liability insurance, or satisfactorily demonstrate financial responsibility, during the period of the H-Prize Competition. *See* 42 U.S.C. 16396(f)(5)(B)(i);

9. Name the Federal Government as an additional insured under the registered participants' insurance policy and agree to indemnify the Federal Government against third party claims. *See* 42 U.S.C. 16396(f)(5)(B)(ii);

10. Teams and Entities:

a. Each team or entity will designate a team leader as the sole point of contact with H-Prize Competition officials.

b. Team or entity members will be identified at the time of Registration on the contestant roster. Members participating on multiple teams will be required to disclose participation to each team.

c. Changes to contestant rosters will be allowed up to 72 hours prior to the award presentation, provided citizenship and immigration requirements are met.

Registration Process

After announcement in the **Federal Register**, registration and all required eligibility documentation must be completed through the Web site *http://hydrogenprize.org* no later than one week before the initial data submission deadline. Early registration is encouraged.

H-Prize Competition Schedule

Once registered, teams will receive all notices and rules updates, including answers to questions asked by the contestants. The public Web site, *http://hydrogenprize.org,* will also post this same information, including publicity about various teams and sponsors. Contestants are encouraged to utilize the Web site as a means of highlighting any information they would like to convey to the public or potential sponsors. There are no entry fees.

On October 29, 2015, contestants will be required to submit initial data (including information on how the data was gathered and measured) and requested financial information for evaluation by a designated panel of judges. Instructions for the initial data submission will be posted on the Web site and sent electronically to the designated contact person for each contestant.

Testing and evaluations are planned to be completed in October 2016. The winner will be determined after all testing data has been analyzed to determine scoring and any ties resolved as described above. DOE plans select and announce a winner within three months after the close of the competition.

Intellectual Property

Intellectual property rights developed by the contestant for H-Prize technology are set forth in 42 U.S.C. 16396(f)(4). No parties managing the contest, including the U.S. Government, their testing laboratories, judges or H-Prize administrators will claim rights to the intellectual property derived by a registered contestant as a consequence of, or in direct relation to, their participation in this H-Prize Competition. The Government and the contestant may negotiate a license for the Government to use the intellectual property developed by the contestant.

Cancellation and Team Disqualification

A contestant may be disqualified for the following reasons:

- At the request of the registered individual or team leader;
- Failure to meet or maintain eligibility requirements (note that at the time of the prize award, if it is determined that a contestant has not met or maintained all eligibility requirements, they shall be disqualified without regard to H-Prize Competition performance);
- Failure to submit required documents or materials on time;
- Fraudulent acts, statements or misrepresentations involving any H-Prize participation or documentation; or,
- Violation of any federal, state or local law or regulation.

DOE reserves the right to cancel this prize program at any time prior to the completion of system testing.

Liability and Competition Costs

The Department of Energy, H-Prize, the Hydrogen Education Foundation and any sponsoring or supporting organization assume no liability or responsibility for accidents or injury related to the Prize.

The entrants are responsible for costs associated with participating in the competition including but not limited to designing, installing and operating their systems.

Key Dates

—October 29, 2014: Competition opens
—October 29, 2015: Preliminary data submission date
—July, 2016: Finalist system testing begins
—October 31, 2016: Competition ends, data will be analyzed to determine winner Award of $1 million prize, if the Panel of Judges determines that there is a winning entry
—December, 2016: Anticipated award of $1 million prize, if the Panel of Judges determines that there is a winning entry.

IV. Draft Guideline Public Comments and Responses

Draft guidelines for the H2 Refuel competition were posted online March 21, 2014, as announced in the **Federal Register** at 79 FR 15737. Responses were submitted from 14 sources, representing industry, consultants, safety groups, competition experts and individuals, and some responses covered multiple topics.

Comments on Criteria

There were four comments that addressed the contest scoring criteria and their targets. One stated the opinion that economy of scale is the only way to overcome fueling costs and suggested

raising the minimum required fueling capacity. In response, DOE notes that the criteria for fueling capacity in the draft guidelines for the small, "Home" category, 1–5 kg H_2/day and for the medium "Community" category, 5–50 kg H_2/day were identified with several goals and issues in mind. The requirements for the minimum daily amount of hydrogen dispensed were designed to fit with the intended applications in the immediate near-term, which is either home or small-scale, non-commercial multi-use sites such as a community. These applications would serve a small number of vehicles, for which DOE determined the minimum capacity for hydrogen dispensed. The minimum is only a lower limit, though, and entries would be allowed to design systems capable of higher fueling capacities, within the range of the "Home" and "Community" category definitions. Therefore, the minimum requirement for hydrogen dispensed daily will not be changed.

A second response noted that capital cost should be expressed in terms of capacity, and stated that there was confusion in having a separate scoring of refuels per day. In response, DOE changed the text and tables to clarify that the capital cost is in units of "$/kg hydrogen dispensed per day." The refuels per day criteria allows testing that the entire system can actually produce and deliver the targeted amount of hydrogen per day. While the upper limit of this would be determined by the fueling time, which is a separate criteria, it would also be affected by other issues. For example, a system may be able to rapidly fuel a vehicle in 10 minutes, but not be able to produce more than 5 kg/day; this also tests that the system can handle repeated fuelings in a day.

Another response noted that refueling time was heavily weighted in the draft scoring criteria, given that two categories relate to it, one with a 2 × score multiplier. The commenter suggested that this went against the concept of a home refueler, where the idea is to refuel overnight to a full tank, and takes emphasis away from more important issues like direct user costs. DOE notes that the comment reflects some confusion over the refueling time criteria—the refueling time is for a single kg of hydrogen; and fill a car tank overnight would likely require more than one kg of hydrogen, so such a system would actually score in the mid- to high-range under the draft guidelines. In response to the comment, the difference between the refueling time and refuelings per day criteria was clarified in the final guidelines, and the weight for the dispensing time score was reduced.

One response stated that the home refueler systems should be at 700 bar, which has been adopted as the standard onboard storage pressure by car manufacturers. DOE notes that the dispensing pressure criteria were given considerable thought, and some responses to an earlier Request for Information addressed the selection of a 700 bar or 350 bar system. The ultimate target is a 700 bar system, but given the current state of the technology in combination with the other criteria, limiting the dispensing pressure to 700 bar could severely restrict potential entrants. The scoring for dispensing pressure is designed to incentivize the design of systems that improve upon the 350 bar dispensing pressure, and the dispensing pressure requirements will not be changed. While a 350 bar system cannot fully fill a 700 bar tank, it can still partially fuel a tank, providing at least enough hydrogen for an average day's commute. The intent of the competition is to supplement the fueling infrastructure, not replace it.

Comments on System and Entrant Eligibility

Four comments included questions about whether certain systems would be qualified as entries for the competition. One asked about systems that produce but do not dispense hydrogen. The DOE notes that because the goal of the competition is to develop onsite refueling systems, the guidelines require systems to both produce and dispense hydrogen onsite. Another asked about systems that have already been built and installed. DOE notes that as the competition is intended to stimulate improvements over the currently available technology, and that the targets have been set, based on available information, such that no current system meets all criteria simultaneously. Nothing in the guidelines, however, excludes such a system. All requirements would still apply to existing systems, including providing the relevant financial information such as bill of materials. A third comment provided some information about a hydrogen production system, and asked if configurations other than electrolysis or steam reforming of natural gas would be accepted. The final competition guidelines do not specify the technology for hydrogen production and are not limited to the use of electrolysis or steam methane reforming. However, any system must meet the requirements laid out in the guidelines, including that the feedstocks and major consumables used be those commonly delivered to residences (electricity, natural gas), and dispense the hydrogen in addition to generating the fuel. The fourth comment asked if a system that fuels vehicles with hydrogen internal combustion engines, rather than fuel cells, would be allowed. DOE notes that the guidelines do not specify the type of vehicle used, however, the testing stage must use a tank that is compatible with the minimum system criteria (e.g., can receive at least 1 kg of hydrogen in a fueling, is compatible with hydrogen delivered at 350 bar). It is expected that questions about whether certain systems would qualify will continue to be relevant, and while the guidelines were not altered, general questions will be addressed in the FAQ page of the H-Prize Web site.

Two comments requested clarification of who is eligible to compete. One asked if educational institutions would be allowed to be part of a team, and another noted that the eligibility criteria was unclear in some sections, particularly with reference to teams. In response, DOE has refined and modified the eligibility criteria to clarify many of the issues that were identified in comments, with more consistent use of the terms "entity," "team," and "participant." The reference to "private entity" was changed to "entity." An educational institution would be considered an entity, and would be eligible if it met the other eligibly requirements (e.g., organized or incorporated in the United States). DOE expects that questions of eligibility will continue to be common. While some of the questions may need to be addressed on a case-by-case basis, more common questions will be addressed on the FAQ page of the H-Prize Web site.

Information on Hydrogen Production Systems

Three responses provided information on hydrogen production systems, without commenting directly on the draft guidelines. DOE used the information provided about relevant systems to further evaluate the criteria to ensure that they were achievable but represent an improvement over the current state of the technology. The responses suggested that the criteria identified were, in fact, achievable but not yet attained.

Competition Plans

Several responses addressed the plans for the competition. One noted that the testing period was not well described and should reflect real-world conditions, specifically fueling into

tanks that are not empty. DOE notes that as stated in the guidelines, further details of the testing protocol will be provided to contestants by the prize administrator. DOE had considered more complicated testing procedures, however, given the potential diversity of system designs (for example, they may have different dispensing pressures), and the added cost and time associated with implementing more complicated protocols and verifying that they are performed, lead to the selection of the current protocols. Another response commented on the general plans, suggesting that to engage a robust set of entries, the eligibility requirements for insurance and waivers be waived until after the selection of finalists. DOE notes that insurance and liability waivers are required by the Energy Independence and Security Act of 2007, Public Law 110–140 (42 U.S.C. 16396(f)), and those requirements for registration will remain in the guidelines. The same response also recommended the use of modern engagement methods, such as involvement with social media in addition to the Web site. Both DOE and HEF have plans to ensure that the competition is widely advertised, including the use of social media and other engagement activities.

One comment asked when a forum to help teams find partners would be available. DOE notes that the H-Prize Web site will provide opportunities for those interested in joining a team to reach others. For example, interested parties will be able to submit information to HEF, which will post the lists of those with interest in teaming, with no implied endorsements or guarantees, on the Web site or in newsletters. Though an online forum was initially considered and noted in the draft guidelines, other methods of communication have since been determined to be more effective and the guideline language was changed accordingly.

One response asked if funding is available to design and/or build the entries. DOE notes that, as stated in both the draft and final guidelines, "The entrants are responsible for costs associated with participating in the competition including but not limited to designing, installing and operating their systems." The H-Prize is a competition, and no up-front funding is provided through the competition itself. It is expected that this will be a common question, and will be addressed in an FAQ page on the H-Prize Web site.

One response asked about when final guidelines would be posted. DOE notes that the final guidelines are posted in this **Federal Register** notice. Further details can be found in this notice and on the H-Prize Web site.

Three responses suggested changes to the competition that are not compatible with the Energy Independence and Security Act of 2007, Public Law 110–140 (42 U.S.C. 16396(f)). One suggested allowing synthetic methane as an alternative to the hydrogen fueling; however, DOE notes that the H-Prize statutory authority states that the prize is intended to advance the research, development, demonstration, and commercial application of hydrogen energy technologies. Fueling with methane would not qualify as a hydrogen energy technology, and therefore the guidelines will not be changed to include methane or other fuels besides hydrogen. Two other responses suggested having separate awards for different categories, either the "home" or "community" or a set of three categories based on scale and application. The combination of single-home and community scale systems provides entrants with the flexibility to match their solution to the general topic of small-scale, non-commercial fueling while the parallel target ranges for certain criteria allows the two scales (single user vs. multiple user) to be more evenly compared based on their expected application.

Safety

One comment was also submitted on issues related to safety, codes and standards. In response, DOE engaged in discussions with safety experts, including the respondents. The comments and discussions lead to several modifications of the competition guidelines and plans. These include the addition of a safety plan and hazard analysis to the documents required at the preliminary design and data deadline, which will be judged by a panel of safety professionals; plans for a safety information page that will be on the H-Prize Web site; and plans to hold a webinar on safety, codes and standards that will be open to all interested parties and posted on the H-Prize Web site. In addition to the eligibly requirement included in both the draft and final guidelines that participants would be disqualified for any "violation of any federal, state or local law or regulation" which includes safety codes and standards, the final guidelines require that "entries must meet the safety codes and standards in effect at the installation location appropriate to the system." Because the relevant safety codes and standards will depend on both the system design and the installation location, a single, comprehensive list of required standards cannot be provided. Some suggestions by respondents were more appropriate for projects where DOE was providing direct funding for a contract or financial assistance award. Unlike traditional funding scenarios, the H-Prize competition does not create a direct contractual relationship with potential H-Prize contestants.

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

Sunita Satyapal,

Fuel Cell Technology Office Director.

[FR Doc. 2014–25596 Filed 10–27–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–8–000]

Golden Spread Electric Cooperative, Central Valley Electric Cooperative, Inc., Farmers' Electric Cooperative, Inc., Lea County Electric Cooperative, Inc., Roosevelt County Electric Cooperative, Inc., West Texas Municipal Power Agency (Complainants) v. Southwestern Public Service Company (Respondent); Notice of Complaint

Take notice that on October 20, 2014, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and sections 201, 206, and 306 of the Federal Power Act, 16 U.S.C. 824, 824(e), and 825(e), Golden Spread Electric Cooperative, Central Valley Electric Cooperative, Inc., Farmers' Electric Cooperative, Inc., Lea County Electric Cooperative, Inc., Roosevelt County Electric Cooperative, Inc., and West Texas Municipal Power Agency (collectively, Complainants) filed a formal complaint against Southwestern Public Service Company (SPS or Respondent), alleging that the production formula rate of each of their respective Replacement Power Sales Agreements with SPC and that the open access transmission tariff formula rate applicable to pricing of transmission service over the facilities of SPS contain an unjust and unreasonable rate of return of common equity. In addition, the Complainants request that this proceeding be consolidated with Docket Nos. EL13–78–000 and EL12–59–000.

The Complainants certifies that copies of the complaint were served on the contacts for SPS as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in

accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the "eLibrary" link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 30, 2014.

Dated: October 21, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25542 Filed 10–27–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–7–000]

Michigan Public Service Commission v. Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on October 17, 2014, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and sections 206, 306, and 309 of the Federal Power Act, 16 U.S.C. 824e, 825e, and 825h, the Michigan Public Service Commission (Complainant), filed a formal complaint against Midcontinent Independent System Operator, Inc. (Respondent), alleging that the provision of the Respondent's Open Access Transmission, Energy and Operating Reserve Markets Tariff governing the allocation of System Support Resource costs within the American Transmission Company footprint are unjust and unreasonable.

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 Officials and on all Respondent parties in a related Docket No. ER14–2952–000.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the "eLibrary" link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on November 6, 2014.

Dated: October 21, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25541 Filed 10–27–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–10–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned Dalton Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Transcontinental Gas Pipe Line Company, LLC's (Transco's) Dalton Expansion Project (Project) involving construction and operation of new pipeline and aboveground facilities in Georgia and the modification of Transco's existing mainline system in Maryland, Virginia, and North Carolina. 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 November 20, 2014.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meetings scheduled as follows:

Date and time	Location
November 3, 2014, 7:00 p.m. EDT	Northwest Georgia Trade & Convention Center, 2211 Dug Gap Battle Road, Dalton, GA 30720, (706) 272–7676.
November 4, 2014, 7:00 p.m. EDT	VA-AmVets Center, 816 Old Bremen Rd, Carrollton, GA, (770) 841–6726.

Date and time	Location
November 5, 2014, 7:00 p.m. EDT	Clarence Brown Convention Center, 5450 State Route 20, Cartersvillle, GA, (770) 606–5763.

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 planned 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 planned 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.

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 Planned Project

Transco plans to construct and operate about 110.8 miles of new natural gas pipeline in Coweta, Carroll, Douglas, Paulding, Bartow, Gordon, and Murray Counties, Georgia and a new compressor station in Carroll County, Georgia. In addition, Transco plans to modify facilities along its existing mainline system in Maryland, Virginia, and North Carolina to accommodate bidirectional flow. Transco has indicated that the Project would provide 448,000 dekatherms per day of incremental firm transportation service to markets in northwest Georgia.

The Project would include the installation of the following facilities:

- A new 21,830 horsepower compressor station (Compressor Station 116) in Carroll County, Georgia;
- three new meter stations in Bartow and Murray counties, Georgia;
- about 7.6 miles of new 30-inch-diameter pipeline in Coweta and Caroll Counties, Georgia;
- 48.2 miles of new 24-inch-diameter pipeline in Carroll, Douglas, Paulding, and Bartow Counties, Georgia;
- 53.5 miles of new 20-inch-diameter pipeline in Bartow, Gordon, and Murray Counties, Georgia;
- 1.5 miles of new 16-inch-diameter pipeline in Murray County, Georgia; and
- ancillary facilities associated with the new pipeline including mainline valves and pig [1] launchers/receivers facilities.

The Dalton Expansion Project would also include the following modifications to Transco's existing mainline facilities:

- Addition of 30-inch mainline regulators at a compressor station in Howard County, Maryland;
- addition of valves and yard piping for south flow compression at compressor stations in Pittsylvania and Prince William Counties, Virginia;
- modifications at a compressor station in Mecklenburg County, Virginia;
- modifications at meter stations in Rockingham, Warren, Northampton, and Buffalo Island Counties, North Carolina, and Pittsylvania, Halifax, Mecklenburg, Brunswick, and Greensville Counties, Virginia; and
- modifications at two mainline valves in Rockingham County, North Carolina.

The general location of the Project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the planned pipeline and aboveground facilities in Georgia would disturb about 1,140 acres of land. Following construction, Transco would maintain about 685 acres for permanent operation of the Project's facilities; the remaining acreage would be restored and revert to former uses. About 66 percent of the planned pipeline route parallels existing pipeline, utility, or road rights-of-way.

Modifications to Transco's mainline facilities in Maryland, Virginia, and North Carolina would occur within the boundaries of the existing facilities and would not represent impacts on previously undisturbed land.

[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.

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 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 Project under these general headings:

- Geology and soils;
- water resources, fisheries, and wetlands;
- vegetation and wildlife;
- endangered and threatened species;
- land use;
- socioeconomics;
- cultural resources;
- air quality and noise; and
- public safety.

We will also evaluate possible alternatives to the Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through 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

[3] "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

recommendations to the Commission. 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 6.

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 applicable State Historic Preservation Office(s), 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] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) 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.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Transco and public comments. This preliminary list of issues may change based on your comments and our analysis.

- *Geology*—Effects as a result of blasting to remove existing surface and subsurface bedrock during Project construction.
- *Biological Resources*—Effects on threatened and endangered species and sensitive habitats potentially occurring within or adjacent to the Project right-of-way.
- *Water Resources*—Effects on waterbodies and wetlands.
- *Land Use*—Effects on residential areas and agricultural lands during construction and operation of Project facilities.
- *Cultural Resources*—Effects on archaeological sites and historic resources.
- *Air Quality and Noise*—Effects on the local air quality and noise environment from construction and operation and maintenance of Project facilities.

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 November 20, 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 (PF14–10–000) 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 planned Project.

Copies of the EA 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

Once Transco files its application with the Commission, 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. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

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

[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.

"General Search" and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF14–10). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

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: October 21, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25545 Filed 10–27–14; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1166]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before December 29, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1166.

Title: Application to Participate in an Auction for Mobility Fund Phase I Support, FCC Form 180.

Form Number: FCC Form 180.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, Local or Tribal Governments.

Number of Respondents and Responses: 150 respondents; 150 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154, 254 and 303(r).

Total Annual Burden: 225 hours.

Annual Cost Burden: No cost(s).

Privacy Act Impact Assessment: There are no impacts under the Privacy Act.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information. The information to be collected will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will use the information collected to determine whether applicants are eligible to participate in the Mobility Fund Phase I auction. On November 18, 2011, the Federal Communications Commission released, WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208; FCC 11–161, which adopted rules to govern the Connect America Fund Mobility Fund. In adopting the rules, the Commission provided for one-time support to immediately accelerate deployment of networks for mobile broadband services in unserved areas. Mobility Fund Phase I support will be awarded through a nationwide reverse auction. The information collection process for the Mobility Fund Phase I auction is similar to that used in spectrum license auctions. This approach provides an appropriate screen to ensure serious participation without being unduly burdensome.

OMB Control Number: 3060–1168.

Title: Application for Mobility Fund Phase I Support, FCC Form 680.

Form Number: FCC Form 680.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, Local or Tribal Governments.

Number of Respondents and Responses: 100 respondents; 100 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154, 254 and 303(r).

Total Annual Burden: 150 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: There are impacts under the Privacy Act. Entities submitting an application are acting in an entrepreneurial capacity.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information. The information to be collected will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will use the information collected from winning bidders in the Mobility Fund Phase I auction to evaluate applications

for Mobility Fund Phase 1 support. On November 18, 2011, the Federal Communications Commission released, WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208; FCC 11–161, which adopted rules to govern the Connect America Fund Mobility Fund. In adopting the rules, the Commission provided for one-time support to immediately accelerate deployment of networks for mobile broadband services in unserved areas. Mobility Fund Phase I support will be awarded through a nationwide reverse auction. Applicants with winning bids will provide this information to obtain the Mobility Fund Phase 1 support.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–25556 Filed 10–27–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting; Friday, October 17, 2014

October 10, 2014.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, October 17, 2014. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

Item number	Bureau	Subject
1	WIRELESS TELECOMMUNICATIONS	TITLE: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies (WT Docket Nos. 13–238); Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting (WC Docket No. 11–59); and 2012 Biennial Review of Telecommunications Regulations (WT Docket 13–32). SUMMARY: The Commission will consider a Report and Order that takes critical steps to promote the deployment of wireless infrastructure necessary to provide the public with ubiquitous, advanced wireless broadband services.
2	OFFICE OF ENGINEER & TECHNOLOGY AND WIRELESS TELECOMMUNICATIONS.	TITLE: Use of Spectrum Bands above 24 GHz for Mobile Radio Services; Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands (ET Docket No. 95–183); Implementation of Section 309(j) of the Communications Act—Competitive Bidding, 37.0–38.6 GHz and 38.6–40.0 GHz Bands (PP Docket No. 93–253); Petition for Rulemaking of the Fixed Wireless Communications Coalition to Create Service Rules for the 42–43.5 GHz Band. SUMMARY: The Commission will consider a Notice of Inquiry to explore innovative developments in the use of spectrum above 24 GHz for mobile wireless services, and how the Commission can facilitate the development and deployment of those technologies.
3	OFFICE OF ENGINEERING & TECHNOLOGY.	TITLE: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268); Office of Engineering and Technology Releases and Seeks Comment on Updated OET–69 Software (ET Docket No. 13–26) and Office of Engineering and Technology Seeks to Supplement the Incentive Auction Proceeding Record Regarding Potential Interference Between Broadcast Television and Wireless Services (ET Docket No. 14–14). SUMMARY: The Commission will consider a Second Report and Order and Further Notice of Proposed Rulemaking to address aggregate broadcaster-to-broadcaster interference and the methodology for predicting interference between broadcast and wireless operations in the same or adjacent channels in nearby markets during and following the Incentive Auction.
4	WIRELINE COMPETITION	TITLE: Rates for Interstate Inmate Calling Services (WC Docket No. 12–375). SUMMARY: The Commission will consider a Second Further Notice of Proposed Rulemaking to comprehensively reform interstate and intrastate inmate calling services (ICS) to ensure just, reasonable and fair rates and charges for consumers as well as providers.
5	PUBLIC SAFETY & HOMELAND SECURITY.	TITLE: 911 Outage Presentation. SUMMARY: The Commission will hear a presentation regarding an inquiry into a major 911 service outage that affected seven states in April 2014. The presentation will include findings from a report on the causes and effects of the outage as well as recommendations on actions the industry, the Commission and state governments can take to strengthen the reliability and resiliency of 911 services as the nation transitions to Next Generation 911.

* * * * *

Consent Agenda

The Commission will consider the following subjects listed below as a consent agenda and these items will not be presented individually:

Item number	Bureau	Subject
1	MEDIA	TITLE: Ernesto Bustos, Licensee of Station WTBL–CD, Lenoir, North Carolina. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Ernesto Bustos seeking review of a Forfeiture Order issued by the Media Bureau's Video Division.

Item number	Bureau	Subject
2	MEDIA	TITLE: KM LPTV of Chicago-13, LLC, Licensee of Station WOCK–CD, Chicago, Illinois. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by KM LPTV Chicago-13, LLC seeking review of a Forfeiture Order issued by the Media Bureau's Video Division.
3	MEDIA	TITLE: KM LPTV of Milwaukee, LLC, Licensee of Station WMKE–CA, Milwaukee, Wisconsin. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by KM LPTV of Milwaukee, LLC seeking review of a Forfeiture Order issued by the Media Bureau's Video Division.
4	MEDIA	TITLE: Holy Family Oratory of St. Philip Neri, Application for Construction Permit for a New Noncommercial Educational Station at Bedford, Michigan. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by First Pentecostal Church of God in Christ seeking review of a decision by the Media Bureau.
5	MEDIA	TITLE: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Corona de Tucson, Sierra Vista, Tanque Verde, and Vail, Arizona; Animas, Lorsdburg, and Virden, New Mexico). SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by CCR-Sierra Vista IV, LLC seeking review of a Media Bureau reallotment decision.
6	MEDIA	TITLE: Clifford Brown Jazz Foundation, Application for a New LPFM Station at Berkeley, California. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Clifford Brown Jazz Foundation seeking review of an application dismissal by the Media Bureau.
7	MEDIA	TITLE: Timothy C. Cutforth, Application for License to Cover Construction of DKJJL(AM), Pine Bluffs, Wyoming, Request for Special Temporary Authority. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Timothy C. Cutforth seeking review of an application dismissal by the Media Bureau.
8	MEDIA	TITLE: MSG Radio, Inc., Assignor and WIAC FM, Inc., Assignee, Application for Assignment of License for WTOK–FM, San Juan, Puerto Rico. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by RAAD Broadcasting Corporation seeking review of an assignment application grant by the Media Bureau.
9	MEDIA	TITLE: Christian Music Network, Application for a New NCE FM Station at Gloucester, Massachusetts. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Christian Music Network seeking review of the Media Bureau's dismissal of its application for a new noncommercial educational FM station at Gloucester, Massachusetts.
10	MEDIA	TITLE: Church Planters of America, Permit to Modify the Licensed Facilities of Station WGHW(FM), Lockwoods Folly Town, NC and Craven Community College, Permit to Modify the Licensed Facilities of WZNB(FM), New Bern, North Carolina. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Craven Community College seeking review of a Media Bureau decision.
11	MEDIA	TITLE: Dallas Ingemunson, Assignor and Jennifer Beckman, Asignee, Application for Assignment of Permit for New (AM) Broadcast Station at Casa Grande, Arizona. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Jennifer Beckman seeking review of a Media Bureau assignment application conditional grant.
12	MEDIA	TITLE: Susquehanna Radio Corp. and Whitley Media, LLC, Application for Consent to Assignment of License and Cancellation of License for DKTDK(FM), Sanger, Texas. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review jointly filed by Whitley Media, LLC and North Texas Radio Group, LP seeking review of a Media Bureau assignment application dismissal.
13	MEDIA	TITLE: Word of God Fellowship, Inc., Cancellation of the License for Television Station DKCBU, Price, Utah. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Word of God Fellowship, Inc. seeking review of a Media Bureau license cancellation.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of

the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–25557 Filed 10–27–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Special Commission Meeting; Friday, October 24, 2014

October 17, 2014.

The Federal Communications Commission will hold a Special Commission Meeting on the subject listed below on Friday, October 24, 2014. The meeting is scheduled to commence at 2:30 p.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

Item number	Bureau	Subject
1	ENFORCEMENT	TITLE: Enforcement Bureau Action. SUMMARY: The Commission will consider whether to take an enforcement action.

Additional information concerning this meeting may be obtained from Mark Wigfield, Office of Media Relations, (202) 418–0253; TTY 1–888–835–5322.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562.

These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer.

[FR Doc. 2014–25554 Filed 10–27–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item and Consent Agenda From October 17, 2014 Open Meeting

October 16, 2014.

The following item and the consent agenda have been deleted from the list of items scheduled for consideration at the Friday, October 17, 2014, Open Meeting and previously listed in the Commission's Notice of October 10, 2014. This item was adopted by the Commission.

Item number	Bureau	Subject
3	OFFICE OF ENGINEERING & TECHNOLOGY.	TITLE: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268); Office of Engineering and Technology Releases and Seeks Comment on Updated OET–69 Software (ET Docket No. 13–26) and Office of Engineering and Technology Seeks to Supplement the Incentive Auction Proceeding Record Regarding Potential Interference Between Broadcast Television and Wireless Services (ET Docket No. 14–14). SUMMARY: The Commission will consider a Second Report and Order and Further Notice of Proposed Rulemaking to address aggregate broadcaster-to-broadcaster interference and the methodology for predicting interference between broadcast and wireless operations in the same or adjacent channels in nearby markets during and following the Incentive Auction.

* * * * * CONSENT AGENDA

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		SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Craven Community College seeking review of a Media Bureau decision.
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		SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Jennifer Beckman seeking review of a Media Bureau assignment application conditional grant.
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		SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review jointly filed by Whitley Media, LLC and North Texas Radio Group, LP seeking review of a Media Bureau assignment application dismissal.
13	MEDIA	TITLE: Word of God Fellowship, Inc., Cancellation of the License for Television Station DKCBU, Price, Utah.
		SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Word of God Fellowship, Inc. seeking review of a Media Bureau license cancellation.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–25553 Filed 10–27–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 12, 2012.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Laura Lee Lehmberg Austin,* Mason, Texas; to acquire voting shares of Commercial Company, Inc., and thereby indirectly acquire voting shares of The Commercial Bank, both in Mason, Texas.

Board of Governors of the Federal Reserve System, October 23, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–25590 Filed 10–27–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–New 60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below. The OS also welcomes comments on any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before December 29, 2014.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS0990–New 60D for reference.

Information Collection Request Title: Evaluation of the National Training on Trauma-Informed Care (TIC).

Abstract: The HHS OWH is requesting OMB approval to conduct a new, one time outcome evaluation of the *National Training Initiative on Trauma-Informed Care (TIC) for Community-Based Providers from Diverse Service Systems* training curriculum. Policymakers and providers in many service sectors recognize the central role of trauma in causing or complicating physical and behavioral health conditions and the critical need for trauma-informed care (TIC) systems. The proposed evaluation will capture both knowledge gained and implementation impact achieved as a result of the TIC training and TA. Analyses and findings will be used to further refine the TIC curriculum and training approach, and can help inform OWH and HHS in future policymaking efforts. Information collected will also help researchers and practitioners better understand the impact of adopting a trauma-informed approach on and the quality of care provided by community-based providers.

Likely Respondents:

Site Visits

Site visits are designed to capture both the knowledge gained by training participants and the implementation impact achieved in their organizations as a result of the OWH TIC training and technical assistance. Interviewees will be drawn from two general categories, Leadership (includes staff in roles such as Director of Agency, CEO, and/or Executive Director) and Line/Other Frontline Staff (to include clinicians, program director/manager, direct program/service staff, and other frontline staff). While these agency/organization representatives will ideally have participated in the training, staff turnover or unavailability may result in the inclusion of leadership or line staff who did not participate in the training.

Online Survey

The goal of the online survey is to assess the impact of the training on participants' skills acquired in, knowledge about, and values and beliefs surrounding trauma-informed care. All participants (leadership and line/other frontline staff) who have been trained will constitute the online survey target population.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Online Survey	300	1	25/60	125
Leadership	125	1	25/60	52
Line/Other Frontline Staff	175	1	25/60	73
Site Visits	144	1	40/60	96
Leadership	72	1	40/60	48
Line/Other Frontline Staff	72	1	40/60	48
Total				221

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–25567 Filed 10–27–14; 8:45 am]

BILLING CODE 4150–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0955–0003]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. Department of Health and Human Services (HHS).

ACTION: 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, Department of Health and Human Services has submitted a Generic Information Collection Request (Generic ICR): "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery " to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.).

DATES: Comments must be submitted November 28, 2014.

ADDRESSES: Written comments may be submitted to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION:

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.

The Agency received no comments in response to the 60-day notice published in the **Federal Register** of August 8, 2014 (79 FR 46441).

Below we provide Department of Health and Human Services projected average estimates for the next three years: [1]

Current Actions: Extension of approval for a collection of information.

Type of Review: Extension.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: 7.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–25565 Filed 10–27–14; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Minority Health

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Minority Health.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the Advisory Committee on Minority Health (ACMH) will hold a meeting conducted as a telephone conference call. This call will be open to the public. Preregistration is required for both public participation and comment. Any individual who wishes to participate in the call should email *OMH-ACMH@hhs.gov* by November 19, 2014. Instructions regarding participating in the call and how to provide verbal public comments will be given at the time of preregistration. Information about the meeting is available from the designated contact

[1] The 60-day notice included the following estimate of the aggregate burden hours for this generic clearance federal-wide:

Average Expected Annual Number of Activities: 7.

Average Number of Respondents per Activity: 200.

Annuol Responses: 4,158.

Frequency of Response: Once per request.

Average Minutes per Response: 5.

Burden Hours: 1,041.

Average Number of Respondents per Activity: 350.

Annual Responses: [4,158].

Frequency of Response: Once per request.

Averoge Minutes per Response: [5].

Burden Hours: [1,041].

and will be posted on the Web site for the Office of Minority Health (OMH), *www.minorityhealth.hhs.gov*. Information about ACMH activities can be found on the OMH Web site under the heading About OMH.

DATES: The conference call will be held on Friday, November 21, 2014, 2:00–4:00 p.m. ET

ADDRESSES: Instructions regarding participating in the call will be given at the time of preregistration.

FOR FURTHER INFORMATION CONTACT: Dr. Rashida Dorsey, Designated Federal Officer, ACMH, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–8222; fax: 240–453–8223; email: *OMH-ACMH@hhs.gov*.

SUPPLEMENTARY INFORMATION: In accordance with Public Law 105–392, the ACMH was established to provide advice to the Deputy Assistant Secretary for Minority Health on improving the health of each racial and ethnic minority group and on the development of goals and specific program activities of the Office of Minority Health.

Topics to be discussed during this conference call will include data issues discussed in the ACMH meeting on July 8–9, 2014: Access, utilization, linking datasets to inform policy, as well as other related issues.

This call will be limited to 125 participants. The OMH will make every effort to accommodate persons with special needs. Individuals who have special needs for which special accommodations may be required should contact Professional and Scientific Associates at (703) 234–1700 and reference this meeting. Requests for special accommodations should be made at least ten (10) business days prior to the meeting.

Members of the public will have an opportunity to provide comments at the meeting. Public comments will be limited to two minutes per speaker during the time allotted. Individuals who would like to submit written statements should email, mail, or fax their comments to the designated contact at least seven (7) business days prior to the meeting.

Any members of the public who wish to have electronic or printed material distributed to ACMH members should email to *OMH-ACMH@hhs.gov* or mail their materials to the Designated Federal Officer, ACMH, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852, prior to close of business on November 7, 2014.

Dated: October 20, 2014.

Rashida Dorsey,

Designated Federal Officer, ACMH, Office of Minority Health, U.S. Department of Health and Human Services.

[FR Doc. 2014–25582 Filed 10–27–14; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0950]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

The National Health and Nutrition Examination Survey (NHANES) (OMB No. 0920–0950, expires 11/30/2015)—revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability; environmental, social and other health hazards; and determinants of health of the population of the United States.

The National Health and Nutrition Examination Surveys (NHANES) have been conducted periodically between 1970 and 1994, and continuously since 1999 by the National Center for Health Statistics, CDC. Annually, approximately 14,410 respondents participate in some aspect of the full survey. About 9,200 complete the screener for the survey. About 210 complete the household interview only. About 5,000 complete both the household interview and the Mobile Exam Center (MEC) examination. Up to 2,500 additional persons might participate in tests of procedures, special studies, or methodological studies. Participation in NHANES is completely voluntary and confidential. A three-year approval is requested.

NHANES programs produce descriptive statistics which measure the health and nutrition status of the general population. Through the use of physical examinations, laboratory tests, and interviews NHANES studies the relationship between diet, nutrition and health in a representative sample of the United States. NHANES monitors the prevalence of chronic conditions and risk factors. NHANES data are used to produce national reference data on height, weight, and nutrient levels in the blood. Results from more recent NHANES can be compared to findings reported from previous surveys to monitor changes in the health of the U.S. population over time. NCHS collects personal identification information. Participant level data items will include basic demographic information, name, address, social security number, Medicare number and participant health information to allow for linkages to other data sources such as the National Death Index and data from the Centers for Medicare and Medicaid Services (CMS).

A variety of agencies sponsor data-collection components on NHANES. To keep burden down, NCHS cycles in and out various components. The 2015–2016 NHANES physical examination includes the following components: Oral glucose tolerance test (ages 12 and older), anthropometry (all ages), 24-hour dietary recall (all ages), physician's examination (all ages, blood pressure is collected here), oral health examination (ages 1 and older), hearing (ages 20–59), dual X-ray absorptiometry (total body composition ages 6–59 and osteoporosis, vertebral fractures and aortic calcification ages 40 and older). The oral health examination includes the collection of an oral human papilloma virus (HPV) specimen on those ages 14–69.

While at the examination center additional interview questions are asked (6 and older), and a second 24-hour dietary recall (all ages) is scheduled to be conducted by phone 3–10 days later. Beginning in 2015, collection of four additional oral HPV specimens will occur in the home at 6, 12, 18 and 24 months after the first collection. Specimens will be returned via mail.

The bio-specimens collected for laboratory tests include urine, blood, vaginal and penile swabs, oral rinses (HPV) and household water collection. Serum, plasma and urine specimens are stored for future testing if the participant consents.

The following major examination or laboratory items, that had been included in the 2013–2014 NHANES, were cycled out for NHANES 2015–2016: Physical activity monitor, taste and smell component and upper body muscle strength (grip test).

Most sections of the NHANES interviews provide self-reported information to be used either in concert with specific examination or laboratory content, as independent prevalence estimates, or as covariates in statistical analysis (e.g., socio-demographic characteristics). Some examples include alcohol, drug, and tobacco use, sexual behavior, prescription and aspirin use, and indicators of oral, bone, reproductive, and mental health. Several interview components support the nutrition monitoring objective of NHANES, including questions about food security and nutrition program participation, dietary supplement use, and weight history/self-image/related behavior.

NHANES data users include the U.S. Congress; numerous Federal agencies such as other branches of the Centers for Disease Control and Prevention, the National Institutes of Health, and the United States Department of Agriculture; private groups such as the American Heart Association; schools of public health; and private businesses. There is no cost to respondents other than their time. The total estimated annualized burden hours are 43,525.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)
Individuals in households	NHANES Questionnaire	14,410	1	2.5
Individuals in households	Special Studies	2,500	1	3

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–25560 Filed 10–27–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15CF]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Health Insurance Plans Research Study—New—Office of Health System Collaboration, Office of the Associate Director for Policy, Office of the Director, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Health Insurance Plans Research Study will uniquely examine the prevalence, characteristics, and differences of prevention and wellness programs offered by health insurance plans in this critical era of healthcare reform. There are no known studies that have addressed the prevalence of prevention and wellness programs across health plans or explored the granular details of these programs as this study is intended to do. Not conducting this study would be one less step toward increasing healthy years of life.

Furthermore, the Health Insurance Plans Research Study will address the priorities and goals of the CDC Office of the Associate Director for Policy, Office of Health System Collaboration: (a) Identify and catalyze policy opportunities such as the Affordable Care Act to enhance healthcare transformation, (b) advance CDC's public health-healthcare strategy to improve population health, (c) strengthen strategic partnerships with healthcare systems and payers, federal and non-federal, and (d) fully leverage performance measures as a tool to improve the health of individuals across health systems and payers.

The CDC Office of the Associate Director for Policy intends to request that the Office of Management and Budget (OMB) approve a new collection of information under the Paperwork Reduction Act for three years. This data collection will occur once, and respondents will be surveyed once.

A sample of approximately 150 commercial health insurance plans in the United States that differ by size and geography, in the 50 states and the District of Columbia, will be selected to complete a web-based survey, the *Prevention and Wellness Assessment Survey*. The survey will be completed electronically; the burden should be minimal as compared to a paper-and-pencil survey. Information about the survey and instructions will be provided to health plan points of contact in advance and will also be available on the Web site, eliminating any interactions between the respondent and the project team, unless a respondent(s) has questions or concerns during completion of the survey.

The survey will take approximately 30 minutes to complete per respondent for a total estimated burden of 75 hours. Some burden associated with coordinating the time and identifying a person to take the survey will be imposed on key health plan contacts (e.g., medical directors, nurse directors, or other healthcare professional). The burden associated with this activity is estimated at 30 minutes per key health plan contact for a maximum of one key contact per health plan (1 key contact × 150 health plans = 150 key contacts), resulting in a total burden of 75 hours. In addition, administrative support staff at select health plans may assist with coordinating communications between key health plan points of contact and AHIP; the estimated burden is 30 minutes per health plan, resulting in a total burden of 75 hours.

Following the analysis of survey data, the project team will conduct one-hour telephone interviews with no more than nine health plans (1 hour × 9 health plans) to gain a better understanding of lessons learned and best practices associated with the design and implementation of prevention and wellness programs by commercial health insurance plans. The project team will use this information to build upon the knowledge gained through the survey. For example, there may be differences in how health plans structure prevention and wellness programs for different employer accounts based on employer requests. The estimated burden is 1 hour per health plan, resulting in a total burden of 9 hours.

As shown in the burden table, the total burden calculation in hours for key health plan points of contact, and health plan respondents (e.g., physicians, nurses, other healthcare professionals) and administrative support staff for this data collection is 234 hours.

Best practices in outreach will be utilized to maximize survey response rates. Key health plan contacts at non-responding health plans will receive follow up by telephone and one-to-one assistance will be provided if needed.

The results of this study are of great interest not only to the CDC Office of the Associate Director for Policy but to other CDC Centers, Institutes, and Offices; and other federal agencies and partners such as the Health Resources and Services Administration (HRSA), the members of the CDC Advisory Committee to the Director, and the CDC Public Health-Health Care Collaboration Workgroup (federal, state, and local public health; public and private organizations; healthcare providers; professional membership associations; and academia representation). The government intends to accomplish the following as a result of this data collection: (a) Identify high priority opportunities for public health and healthcare collaboration, (b) inform a public health-healthcare strategic agenda, (c) improve the use of clinical preventive services, and (d) improve capacity of healthcare systems to incorporate public health practices and principles. At the conclusion of this study, a formal report, two issue briefs, and potentially a manuscript for publication will be produced.

CDC is requesting approval for approximately 234 burden hours annually. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Physician, Nurse, or Other Healthcare Professional (To Complete Survey).	Prevention and Wellness Assessment Survey.	150	1	30/60	75
Key Health Plan Contact	N/A	150	1	30/60	75
Administrative Support	N/A	150	1	30/60	75
Physician, Nurse, or Other Healthcare Professional (To Complete 1-hour Interview Post Survey).	N/A	9	1	1	9
Total					234

Leroy A. Richardson,
Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–25561 Filed 10–27–14; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–0213]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

National Vital Statistics Report Forms (OMB No. 0920–0213, expires 04/30/2015)—Extension—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The compilation of national vital statistics dates back to the beginning of the 20th century and has been conducted since 1960 by the Division of Vital Statistics of the National Center for Health Statistics, CDC. The collection of the data is authorized by 42 U.S.C. 242k. This submission requests approval to collect the monthly and annually summary statistics for three years.

The Monthly Vital Statistics Report forms provide counts of monthly occurrences of births, deaths, infant deaths, marriages, and divorces. Similar data have been published since 1937 and are the sole source of these data at the National level. The data are used by the Department of Health and Human Services and by other government, academic, and private research and commercial organizations in tracking changes in trends of vital events. Respondents for the Monthly Vital Statistics Reports Form are registration officials in each State and Territory, the District of Columbia, and New York City. In addition, local (county) officials in New Mexico who record marriages occurring and divorces and annulments granted in each county of New Mexico will use this form. This form is also designed to collect counts of monthly occurrences of births, deaths, infant deaths, marriages, and divorces immediately following the month of occurrence.

The Annual Vital Statistics Occurrence Report Form collects final annual counts of marriages and divorces by month for the United States and for each State. The statistical counts requested on this form differ from provisional estimates obtained on the Monthly Vital Statistics Report Form in that they represent complete counts of marriages, divorces, and annulments occurring during the months of the prior year. These final counts are usually available from State or county officials about eight months after the end of the data year. The data are widely used by government, academic, private research, and commercial organizations in tracking changes in trends of family formation and dissolution. Respondents for the Annual Vital Statistics Occurrence Report Form are registration officials in each State and Territory, the District of Columbia, and New York City.

There are no costs to respondents other than their time. The total estimated annualized burden hours are 211.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
State, Territory, and New Mexico County Officials.	Monthly Vital Statistics Report	91	12	10/60	182
State, Territory, and other officials	Annual Vital Statistics Occurrence Report.	58	1	30/60	29
Total					211

Leroy A. Richardson,
Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–25563 Filed 10–27–14; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15CI]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Mental Health Profile of Congolese Refugees—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The central objective of this collection is to compile a mental health profile of Congolese refugees departing from Uganda, and to describe some of the mental health conditions most often experienced by this population. The specific objectives are (1) through a survey and focus groups, collect more detailed and systematic data on exposure to trauma and symptoms of PTSD, anxiety, and depression among a sample of Congolese refugees from Uganda prior to their resettlement in the United States; and, (2) to better inform state and local healthcare providers in the United States and in Uganda about the mental health needs of the Congolese refugee populations come to their states. As CDC have seen in previous surveys, although there may be similarities in the mental health problems that refugee populations may experience over all, there are also very specific differences in terms of cultural background, coping styles, severity, and risk factors. Without doing a survey, it would not be possible to provide specific recommendations for Congolese refugees who are coming to the U.S.

The respondents in this study will be Congolese refugees 15 years of age or older who have been referred for U.S. resettlement in settlement and urban sites in Uganda and who consent to a supplemental mental health assessment after their required overseas medical exam or security screening interview.

Individual level data will not be collected. Aggregated data will collected during focus groups and surveys to form a 'profile' of Congolese refugee regarding their levels of anxiety, depression, PTSD, ability to cope, physical functioning, bodily pain, role limitations due to physical health problems, role limitations due to personal or emotional problems, emotional well-being, and social function.

The focus group discussion tool poses eight open-ended questions and will be moderated by a professional in the appropriate language for the specific Congolese refugee group.

For the survey tool, CDC proposes to the use a compilation of the Hopkins Symptom Checklist, Harvard Trauma Questionnaire, the Medical Outcomes Assessment 36-Item Short-Form Health Survey (SF–36), a limited number of questions from The Coping Strategy Indicator, and questions concerning history of mental illness or substance abuse. Each of these tools has been used in similar populations that have experienced trauma or in conflict environments.

The sample population will be a convenience sample of the Congolese refugee population ages 15 or older in Uganda and will be selected from the available population being examined during the International Organization for Migration (IOM) medical or Resettlement Support Center (RSC) screening interviews. As refugees are waiting for their IOM exam or RSC interview, staff will introduce the assessment with the help of an interpreter, and make arrangements for obtaining consent from refugees who meet the inclusion and exclusion criteria prior to the assessment.

There is no cost to respondents other than their time. The total estimated annualized burden hours are 386.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Refugee	Focus Group Discussion Tool	16	1	1	16
Refugee	Survey Tool	370	1	1	370

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Total					386

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–25562 Filed 10–27–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–P–0979]

Determination That DIAMOX (Acetazolamide) Intravenous, 500 Milligrams Base/Vial, and DIAMOX (Acetazolamide) Tablets, 125 Milligrams and 250 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that DIAMOX (acetazolamide) intravenous, 500 milligrams (mg) base/vial, and DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to continue to approve ANDAs that refer to these products, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Ayako Sato, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6228, Silver Spring, MD 20993–0002, 240–402–4191.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the "listed drug," which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the "Approved Drug Products With Therapeutic Equivalence Evaluations," which is known generally as the "Orange Book." Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

DIAMOX (acetazolamide) intravenous, 500 mg base/vial, is the subject of NDA 009–388, held by Teva Branded Pharmaceutical Products R&D, Inc., and initially approved on June 25, 1954. DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, are the subject of NDA 008–943, held by Teva Branded Pharmaceutical Products R&D, Inc., and initially approved on July 27, 1953. DIAMOX (acetazolamide) intravenous, 500 mg base/vial, and DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, are indicated for adjunctive treatment of: Edema due to congestive heart failure; drug-induced edema; centrencephalic epilepsies (petit mal, unlocalized seizures); and chronic simple (open-angle) glaucoma, secondary glaucoma, and preoperatively in acute angle-closure glaucoma where delay of surgery is desired in order to lower intraocular pressure. DIAMOX (acetazolamide) intravenous, 500 mg base/vial, and DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, are also indicated for the prevention or amelioration of symptoms associated with acute mountain sickness in climbers attempting rapid ascent and in those who are very susceptible to acute mountain sickness despite gradual ascent.

DIAMOX (acetazolamide) intravenous, 500 mg base/vial, and DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, are currently listed in the "Discontinued Drug Product List" section of the Orange Book.

Emcure Pharmaceuticals USA, Inc., submitted a citizen petition dated July 3, 2014 (Docket No. FDA–2014–P–0979), under 21 CFR 10.30, requesting that the Agency determine that DIAMOX (acetazolamide) intravenous, 500 mg base/vial, was discontinued for reasons unrelated to safety and effectiveness. Although the citizen petition did not address DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, since those products have also been discontinued, on our own initiative, we therefore determined whether DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, were withdrawn for safety or effectiveness reasons.

After considering the citizen petition and reviewing Agency records, FDA has determined under § 314.161 that DIAMOX (acetazolamide) intravenous, 500 mg base/vial, and DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that DIAMOX (acetazolamide) intravenous, 500 mg base/vial, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of DIAMOX (acetazolamide) intravenous, 500 mg base/vial, and DIAMOX (acetazolamide) tablets, 125 mg and 250 mg from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events and have found no information that would indicate that these products were

withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list DIAMOX (acetazolamide) intravenous, 500 mg base/vial, and DIAMOX (acetazolamide) tablets, 125 mg and 250 mg, in the "Discontinued Drug Product List" section of the Orange Book. The "Discontinued Drug Product List" delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of ANDAs that refer to DIAMOX (acetazolamide) intravenous, 500 mg base/vial, and DIAMOX (acetazolamide) tablets, 125 mg and 250 mg. Additional ANDAs that refer to these products may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: October 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25534 Filed 10–27–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request: Generic Clearance for Satisfaction Surveys of Customers (CSR)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 21, 2014, page 49523 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Center for Scientific Review (CSR), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 31, 2014, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

DATES: *Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project contact: Dr. Mary Ann Guadagno, Project Clearance Liaison, Center for Scientific Review, NIH, Room 3182, 6701 Rockledge Drive, Bethesda, MD 20892, or call non-toll-free number (301) 435–1251 or Email your request, including your address to: *guadagma@csr.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Generic Clearance for Satisfaction Surveys of Customers (CSR), 0925–0474—extension, Center for Scientific Review (CSR), National Institutes of Health (NIH).

Need and Use of Information Collection: The information collected in these surveys will be used by the Center for Scientific Review management and personnel: (1) To assess the quality of the modified operations and processes now used by CSR to review grant applications; (2) To assess the quality of service provided by CSR to our customers; (3) To enable identification of the most promising biomedical research that will have the greatest impact on improving public health by using a peer review process that is fair unbiased from outside influence, timely, and (4) To develop new modes of operation based on customer need and customer feedback about the efficacy of implemented modifications. These surveys will almost certainly lead to quality improvement activities to enhance and/or streamline CSR's operations. The major mechanism by which CSR will request input is through surveys. The major initiatives ongoing at the present time include: Evaluation of the peer review process, surveys of new and early stage investigators, satisfaction with study section meetings using alternative review platforms, quick feedback for peer review, satisfaction with new reviewer orientation sessions, teleworker space needs, improving study section alignment to ensure the best reviews, and others. Surveys will be collected via Internet or in focus groups. Information gathered from these surveys will be presented to, and used directly by, CSR management to enhance the operations, processes, organization of, and services provided by the Center.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 4323.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
A	Adult scientific professionals (via Mail/Telephone/Internet)	7925	1	30/60	3963
B	Adult scientific professionals (via focus groups)	240	1	90/60	360

Dated: October 20, 2014.

Mary Ann Guadagno,

Project Clearance Liaison, Center for Scientific Review, National Institutes of Health.

[FR Doc. 2014–25601 Filed 10–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the President's Cancer Panel.

The meeting will be open to the public, 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.

Name of Committee: President's Cancer Panel.

Date: December 11, 2014.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: Connected Health: Improving Patients' Engagement and Activation for Cancer-Related Health.

Place: Royal Sonesta Hotel Boston, 40 Edwin Land Blvd., Cambridge, MA 02142.

Contact Person: Abby B. Sandler, Ph.D., Executive Secretary, President's Cancer Panel, Special Assistant to the Director, NCI Center for Cancer Research, 9000 Rockville Pike, Building 31, Room B2B37, MSC 2590, Bethesda, MD 20892–8349, (301) 451–9399, *sandlera@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://deainfo.nci.nih.gov/advisory/pcp/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 22, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25505 Filed 10–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Peer Review Meeting.

Date: November 18–19, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Doubletree by Hilton Bethesda—Washington, DC, 8120 Wisconsin Avenue, Bethesda, MD 20814, 301–664–7310, Fax: 301–664–7317.

Contact Person: Susana Mendez, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, DHHS/NIH/NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20852, 240–669–5077, Fax: 301–480–2408, *susana.mendez@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 22, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25509 Filed 10–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Division of Allergy, Immunology and Transplantation: Statistical and Clinical Coordinating Center.

Date: November 17, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fisher Lane, MSC 9823, Room 3F100, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Paul A. Amstad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fisher Lane, MSC 9823, Rockville, MD 20852, 240–669–5067, *PAmstad@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 22, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25507 Filed 10–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Human Genetic Cell Repository Review.

Date: November 25, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.18K, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18, Bethesda, MD 20892, 301–594–3907, *pikbr@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: October 22, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25508 Filed 10–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Neuroinflammation; Role of Astrocytes; Microglia, and Immune Cell Function.

Date: November 10, 2014.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Samuel C. Edwards, Ph.D., IRG CHIEF, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.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: Center for Scientific Review Special Emphasis Panel, Member Conflict: Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

Date: November 12, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301–435–0229, *kenneth.ryan@nih.hhs.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: Center for Scientific Review Special Emphasis Panel, PAR 14–022: Protective Factors for Aging.

Date: November 13, 2014.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael H. Chaitin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.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: Center for Scientific Review Special Emphasis Panel, PAR–13–027: International Research Ethics Education and Curriculum Development.

Date: November 14, 2014.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 254–9975, *helmersk@csr.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: Center for Scientific Review Special Emphasis Panel, PARs: Developmental Pharmacology and Toxicology.

Date: November 25, 2014.

Time: 12:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Patricia Greenwel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 22, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25504 Filed 10–27–14; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Resilience across Lifecourse.

Date: November 13, 2014.

Time: 10:30 a.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Isis S. Mikhail, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7702, *Mikhaili@mail.nih.gov.*
(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 22, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25506 Filed 10–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Prevention Innovation Program (PIP) R01.
Date: November 14, 2014.
Time: 9:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20852 (Telephone Conference Call).
Contact Person: Uday K. Shankar, Ph.D., MSC, Scientific Review Officer, Scientific Review Program, DEAS/NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–3193, *uday.shankar@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Innovation for Vaccine Discovery (R01).
Date: November 18, 2014.
Time: 9:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Room CC LD30B, 5601 Fishers Lane, Rockville, MD 20852 (Telephone Conference Call).
Contact Person: Dharmendar Rathore, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Bethesda, MD 20892, 301–435–2766, *rathored@mail.nih.gov.*
(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 22, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25510 Filed 10–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Peer Review Meeting.
Date: November 21, 2014.
Time: 11:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Institutes of Health, 5601 Fisher Lane, Rockville, MD 20892 (Telephone Conference Call).
Contact Person: Brenda Lange-Gustafson, Ph.D., Scientific Review Officer, NIAID/NIH/DHHS, Scientific Review Program, Room 3122, 5601 Fisher Lane, Rockville, MD 20892 *bgustafson@niaid.nih.gov.*
(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 22, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25511 Filed 10–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Partnerships for Success Program Evaluation for Prevention Contract—New

SAMHSA is conducting a cross-site evaluation of the Strategic Prevention Framework (SPF) Partnerships for Success (PFS) program, focusing on the PFS II cohort (first funded in 2012), PFS 2013 cohort (first funded in 2013), and PFS 2014 cohort (first funded in 2014) at both the grantee and community subrecipient levels. Grantees include states, jurisdictions, and tribal entities that subsequently fund community subrecipients to implement substance use prevention interventions. The overall goals of these SPF PFS cohorts is to prevent the onset and reduce the progression of substance abuse, prioritizing underage drinking (UAD)

among people age 12 to 20, prescription drug misuse and abuse (PDM) among people age 12 to 25, or both; reduce substance abuse-related problems; strengthen prevention capacity and infrastructure at the grantee and community levels; and leverage, redirect, and align statewide funding streams and resources for prevention.

The SPF–PFS cross-site evaluation broadly aims to document and assess the factors that contribute to the effectiveness of the PFS approach to SAMHSA's mission of reducing UAD and PDM, including costs, inputs, outputs, and contextual factors. Targeted evaluation outcomes include both grantee- and community-level substance use intervening variables (e.g., perceived risk of binge drinking), consumption (e.g., past year PDM), and consequences (e.g., alcohol or prescription drug overdoses), especially those related to UAD and PDM.

The SPF–PFS cross-site evaluation will examine infrastructure, with a primary focus on monitoring grantees and community subrecipients to ensure they follow the SPF process, but will place a special emphasis on assessing capacity changes of the community subrecipients who all should be purposefully selected for their high need and low capacity. Another important aspect of the infrastructure evaluation for the SPF–PFS cross-site will be an examination of leveraged partner relationships. In addition, the SPF–PFS cross-site evaluation will collect detailed data about implemented evidence-based interventions, to provide a comprehensive typology of interventions and assess how various types and combinations impact outcomes. The SPF–PFS cross-site also will examine economic issues, including associations between funding and outcomes and the cost-effectiveness of various intervention types and combinations.

The SPF–PFS cross site evaluation is expected to have numerous program and policy implications and outcomes at the national, state, and community levels. It will provide valuable information to the prevention field about best practices in real world settings, along with what types of adaptations community implementers make to evidence based interventions to better fit their targeted populations and settings. SPF–PFS cross-site findings will provide guidance to governmental entities and communities as to what types of interventions should be funded and implemented to reduce UAD and PDM. More specifically, this guidance will include information on what combinations or types of interventions work the best. Beyond intervention type and cost, the SPF–PFS cross-site evaluation also will provide a valuable assessment of the importance of leveraged funding as well as providing information about the process states, jurisdictions, tribes, and communities undergo to leverage funding. Information and guidance about leveraging that comes from the SPF–PFS cross site evaluation will allow the federal government, state, tribes, jurisdictions, and local communities to more effectively and efficiently use their resources and sustain future prevention efforts.

Data collection efforts for the evaluation include a *Grantee-Level Instrument—Revised (GLI–R)*, a *Community-Level Instrument—Revised (CLI–R)*, and a *Project Director (PD) Interview* which will collect key programmatic components hypothesized to be associated with program effectiveness, such as leveraged funding, type of prevention intervention, costs, etc. The SPF–PFS cross-site instruments have been informed by current and previous cross-site evaluation efforts for SAMHSA, drawing heavily from lessons learned through prior and currently Office of Management and Budget (OMB)-approved SPF-State Incentive Grant (SIG) evaluations (OMB No. 0930–0279).

The *GLI–R* is a web-based instrument to be completed by the PFS II, 2013, and 2014 grantee project directors (n=52), once at baseline and once in the final grant year. Baseline data for the PFS II and 2013 cohorts will be collected retrospectively. The *GLI–R* will provide categorical, qualitative, and quantitative data related to coordination of state efforts, use of strategic plans, access to data sources, data management, workforce development, cultural competence, sharing of evaluation data, and sustainability.

The *CLI–R* is a web-based instrument designed to be completed by the PFS II, 2013, and 2014 subrecipient community project directors (n=610) to assess subrecipients' progress through the SPF steps, prevention capacity, intervention implementation, and related funding and cost measures. The instrument will provide process data related to leveraging of funding, in-kind services, organizational capacity, collaboration with community partners, data infrastructure, planned intervention targets, intervention implementation (categorization, costs, adaptation, timing, dosage, and reach), cultural competence, evaluation, contextual factors, training and technical assistance needs, and sustainability. The *CLI–R* will be collected semiannually; however, not all questions will be answered every time. For instance, subrecipients will respond to items related to organizational capacity only at baseline and final follow-up, whereas they will respond to intervention implementation items every six months.

The *PD Interview* is a semi-structured telephone interview with grantee project directors designed to collect more in-depth information on subrecipient selection, criteria for intervention selection, continuation of SPF–SIG activities, leveraging of funds, collaboration, evaluation activities, cultural competence policies, processes to impact health disparities, and challenges faced. The *PD Interview* will be collected at the beginning of the grant, in the third year of the grant, and in the final year of the grant. Baseline data for the PFS II and 2013 cohorts will be collected retrospectively and PFS II grantees will only participate in the interview at the beginning of their final year and at the close of their grant.

ANNUALIZE BURDEN HOURS

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
GLI–RB	17	1	17	1	17
SLI–R	517	2	1,034	2.6	2,688
Grantee PD Interview	30	1	30	1.4	42
Annualized Total	564		1,081		2,47

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *OR* email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by December 29, 2014.

Summer King,

Statistician.

[FR Doc. 2014–25591 Filed 10–27–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0047]

National Infrastructure Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Committee Management; Notice of an Open Federal Advisory Committee Meeting.

SUMMARY: The National Infrastructure Advisory Council will meet Friday, November 14, 2014, at the Navy League Building, 2300 Wilson Boulevard, Arlington, VA 22201. The meeting will be open to the public.

DATES: The National Infrastructure Advisory Council will meet on Friday, November 14, 2014, from 2:00 p.m. to 4:30 p.m. The meeting may close early if the committee has completed its business. For additional information, please consult the National Infrastructure Advisory Council Web site, *www.dhs.gov/NIAC,* or contact the National Infrastructure Advisory Council Secretariat by phone at (703) 235–2888 or by email at *NIAC@hq.dhs.gov.*

ADDRESSES: Navy League Building, 2300 Wilson Boulevard, Arlington, VA 22201. The meeting will be open to the public. Members of the public will register at the table at the door to the meeting room. For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the person listed under "**FOR FURTHER INFORMATION, CONTACT**" below as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Council as listed in the "Summary" section below. Comments must be submitted in writing no later than 12:00 p.m. on November 14, 2014, in order to be considered by the council in its meeting. The comments must be identified by "DHS–2014–0047," and may be submitted by any *one* of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting written comments.
- *Email: NIAC@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (703)603–5098.
- *Mail:* Nancy Wong, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0607, Arlington, VA 20598–0607.

Instructions: All written submissions received must include the words "Department of Homeland Security" and the docket number for this action. Written comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Infrastructure Advisory Council, go to *www.regulations.gov.* Enter "NIAC" in the search line and the Web site will list all relevant documents for your review.

Members of the public will have an opportunity to provide oral comments on the Transportation Resilience Working Group study, on the Chief Executive Officer (CEO) Engagement Working Group study, and on the report on the National Plan for Critical Infrastructure Security and Resilience (CISR) Research and Development (R&D). We request that comments be limited to the issues and studies listed in the meeting agenda and previous National Infrastructure Advisory Council studies. All previous National Infrastructure Advisory Council studies can be located at *www.dhs.gov/NIAC.* Public comments may be submitted in writing or presented in person for the Council to consider. Comments received by Nancy Wong after 12:00 p.m. on November 14, 2014, will still be accepted and reviewed by the members, but not necessarily by the time of the meeting. In-person presentations will be limited to three minutes per speaker, with no more than 15 minutes for all speakers. Parties interested in making in-person comments should register on the Public Comment Registration list available at the meeting location no later than 15 minutes prior to the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Nancy Wong, National Infrastructure Advisory Council Designated Federal Officer, Department of Homeland Security, (703) 235–2888.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix. The National Infrastructure Advisory Council shall provide the President, through the Secretary of Homeland Security, with advice on the security and resilience of the Nation's critical infrastructure sectors.

The NIAC will meet to discuss issues relevant to critical infrastructure security and resilience as directed by the President. At this meeting, the council will receive an update presentation from the Transportation Resilience Working Group documenting their work to date on a study reviewing the Transportation Sector's resilience against potentially disruptive events. The council will also receive a Chief Executive Officer (CEO) Engagement Working Group update presentation on the development of recommendations for an Executive Summary of National Infrastructure Protection Plan (NIPP) 2013, targeted for use by Senior Executive Level/CEO critical infrastructure owners and operators and a communication strategy with this target community. Finally, the council will deliberate on its recommendations on priorities for the National Plan for CISR R&D. All three presentations will be posted no later than one week prior to the meeting on the council's public Web page—*www.dhs.gov/NIAC.*

Meeting Agenda

I. Opening of Meeting
II. Roll Call of Members
III. Opening Remarks and Introductions
IV. Approval of Meeting Minutes
V. Working Group Update on Transportation Resilience Study
VI. Working Group Update on CEO Engagement Study
VII. Working Group Presentation on CISR R&D Plan Recommendations
VIII. Public Comment: Topics Limited to Transportation Resilience Study; CEO Engagement Study; Recommendations for National Plan for CISR R&D; and Previously Issued National Infrastructure Advisory Council Studies and Recommendations
IX. Discussion and Deliberation on Recommendations for the National Plan for CISR R&D
X. Closing Remarks

Dated: October 21, 2014.

Nancy Wong,

Designated Federal Officer for the National Infrastructure Advisory Council.

[FR Doc. 2014–25404 Filed 10–27–14; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0007]

Agency Information Collection Activities: Alien's Change of Address, Form AR–11; Revision of a Currently Approved Collection

ACTION: 60-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until December 29, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0007 in the subject box, the agency name and Docket ID USCIS–2008–0018. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2008–0018;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check "My Case Status" online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies 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 or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Alien's change of address.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* AR–11; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. This form is used by aliens, including those subject to Special Registration requirements, to submit their change of address to USCIS within 10 days from the date of change.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection is:

- AR–11 (mail) is 360,000 and the estimated hour burden per response is .20 hours.
- AR–11 (electronic) is 1,200,000 and the estimated hour burden per response is .10 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 192,000 hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: October 23, 2014.

Samantha L. Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–25613 Filed 10–27–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0048]

Agency Information Collection Activities: Application for Premium Processing Service, Form I–907; Revision of a Currently Approved Collection

ACTION: 30-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The information collection notice was previously published in the **Federal Register** on July 22, 2014, at 79 FR 42523, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged

and will be accepted until November 28, 2014. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov*. Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0048.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

SUPPLEMENTARY INFORMATION:

Comments

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check "My Case Status" online at: *https://egov.uscis.gov/cris/Dashboard.do*, or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies 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 or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Premium Processing Services.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–907; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and households. USCIS uses the information provided on Form I–907 to provide petitioners the opportunity to request faster processing of certain employment-based petitions and applications.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

- Filing by Mail: 199,714 responses at 30 minutes (.50 hours) per response.
- Electronically: 2,108 responses at 20 minutes (.333 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

100,559 annual hour burden.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov*. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2134; Telephone 202–272–8377.

Dated: October 23, 2014.

Samantha L. Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–25618 Filed 10–27–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0012]

Agency Information Collection Activities: Lien Notice

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

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Lien Notice (Form 3485). CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before December 29, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Lien Notice.

OMB Number: 1651–0012.

Form Number: 3485.

Abstract: Section 564, Tariff Act of 19, as amended (19 U.S.C. 1564) provides that the claimant of a lien for freight can notify CBP in writing of the existence of a lien, and CBP shall not permit delivery of the merchandise from a public store or a bonded warehouse until the lien is satisfied or discharged. The claimant shall file the notification

of a lien on CBP Form 3485, Lien Notice. This form is usually prepared and submitted to CBP by carriers, cartmen and similar persons or firms. The data collected on this form is used by CBP to ensure that liens have been satisfied or discharged before delivery of the freight from public stores or bonded warehouses, and to ensure that proceeds from public auction sales are distributed to the lienholder. CBP Form 3485 is provided for by 19 CFR 141.112, and is accessible at *http://forms.cbp.gov/pdf/CBP_Form_3485.pdf.*

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours. There are no changes to the information collected or to Form 3485.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 112,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 28,000.

Dated: October 22, 2014,

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–25538 Filed 10–27–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD AAK4000000 A0R9B0000.999900]

Renewal of Agency Information Collection for Tribal Probate Codes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information titled "Tribal Probate Codes," authorized by OMB Control Number 1076–0168. This information collection expires February 28, 2015.

DATES: Submit comments on or before December 29, 2014.

ADDRESSES: You may submit comments on the information collection to Charlene Toledo, Bureau of Indian Affairs, Office of Trust Services, Division of Probate Services 2600 N Central Ave STE MS 102, Phoenix, AZ 85004: *Charlene.Toledo@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Charlene Toledo, (505) 563.3371.

SUPPLEMENTARY INFORMATION:

I. Abstract

As sovereignties, federally recognized tribes have the right to establish their own probate codes. When those probate codes govern the descent and distribution of trust or restricted property, they must be approved by the Secretary of the Department of the Interior. The American Indian Probate Reform Act of 2004 (AIPRA) amendments to the Indian Land Consolidation Act, 25 U.S.C. 2201 *et seq.*, provides that any tribal probate code, any amendment to a tribal probate code, and any free-standing single heir rule are subject to the approval of the Secretary if they contain provisions governing trust lands. This statute also establishes the basic review and approval of tribal probate codes. This information collection covers tribes' submission of tribal probate codes, amendments, and free-standing single heir rules containing provisions regarding trust lands to the Secretary for approval.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable 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.

III. Data

OMB Control Number: 1076–0168.

Title: Tribal Probate Codes, 25 CFR 18.

Brief Description of Collection: Submission of information is required to comply with ILCA, as amended by AIPRA, 25 U.S.C. 2201 et seq., which provides that Indian tribes must obtain Secretarial approval for all tribal probate codes, amendments, and free-standing single heir rules that govern the descent and distribution of trust or restricted lands.

Type of Review: Extension without change of currently approved collection.

Respondents: Indian tribes.

Number of Respondents: 10 per year, on average.

Frequency of Response: One per respondent, on occasion.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Hour Burden: 5 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: October 20, 2014.

Phillip L. Brinkley,

Senior Advisor for Information Resources—Indian Affairs, (Interim).

[FR Doc. 2014–25572 Filed 10–27–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD AAK4000000 A0R9B0000.999900]

Renewal of Agency Information Collection for Probate of Indian Estates

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information titled "Probate of Indian Estates, Except for Members of the Osage Nation and the Five Civilized Tribes," authorized by OMB Control Number 1076–0169. This information collection expires February 28, 2015.

DATES: Submit comments on or before December 29, 2014.

ADDRESSES: You may submit comments on the information collection to Charlene Toledo, Bureau of Indian Affairs, Office of Trust Services, Division of Probate Services 2600 N

Central Ave STE MS 102, Phoenix, AZ 85004: *Charlene.Toledo@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Charlene Toledo, (505) 563–3371.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Secretary of the Interior probates the estates of individual Indians owning trust or restricted property in accordance with 25 U.S.C. 372, 373. In order to compile the probate file, the Bureau of Indian Affairs (BIA) must obtain information regarding the deceased from individuals and the tribe.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable 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.

III. Data

OMB Control Number: 1076–0169.

Title: Probate of Indian Estates, Except for Members of the Osage Nation and Five Civilized Tribes, 25 CFR part 15.

Brief Description of Collection: This part contains the procedures that the Secretary of the Interior follows to initiate the probate of the trust estate for a deceased person who owns an interest in trust or restricted property. The Secretary must perform the information collection requests in this part to obtain the information necessary to compile an accurate and complete probate file. This file will be forwarded to the Office of Hearing and Appeals (OHA) for disposition. Responses to these information collection requests are required to create a probate file for the decedent's estate so that OHA can determine the heirs of the decedent and order distribution of the trust assets in the decedent's estate.

Type of Review: Extension without change of currently approved collection.

Respondents: Indians, businesses, and tribal authorities.

Number of Respondents: 64,915.

Frequency of Response: On per respondent each year with the exception of tribes that may be required to provide enrollment information on an average of approximately 10 times/year.

Estimated Total Annual Responses: 76,685.

Estimated Time per Response: Ranges from 0.5 hours to 45.5 hours (see table below).

Estimated Total Annual Hour Burden: 1,037,493.

CFR Section	Description of information collection requirement	Number of responses per year	Hours per response	Total burden hours
15.9	File affidavit to self-prove will, codicil, or revocation	1,000	0.5	500
15.9	File supporting affidavit to self-prove will, codicil, or revocation	2,000	0.5	1,000
15.104	Reporting req.- death certificate	5,850	5	29,250
15.105	Provide probate documents	21,235	45.5	966,193
15.203	Provide tribal information for probate file	5,650	2	11,300
15.301	Reporting funeral expenses	5,850	2	11,700
15.305	Provide info on creditor claim (6 per probate)	35,100	0.5	17,550
Total		76,685		1,037,493

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: October 21, 2014.

Phillip L. Brinkley,

Senior Advisor for Information Resources—Indian Affairs, (Interim).

[FR Doc. 2014–25571 Filed 10–27–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00000.L182000000.XZ0000.241E0; MO# 4500071965]

Notice of Change of Hours of Operation for the Southern Nevada District Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Public Room at the Bureau of Land Management (BLM) Southern Nevada District Office will implement new hours of operation, weekdays, excluding Federal holidays, 8:00 a.m. to 4:30 p.m.

DATES: The new hours of operation will be effective October 28, 2014.

ADDRESSES: The BLM Southern Nevada District Office is located at 4701 N. Torrey Pines Dr., Las Vegas, NV 89130.

FOR FURTHER INFORMATION CONTACT: Ian Glander, Southern Nevada District Office, 4701 N. Torrey Pines Dr., Las Vegas, NV 89130, telephone: 702–515–5103, email: *ianglander@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 hours.

SUPPLEMENTARY INFORMATION: The BLM Southern Nevada District Office has assessed the amount of public visitation

to the Public Room from 7:30 a.m. to 8 a.m., and has determined that this change of Public Room hours of operation to 8:00 a.m. to 4:30 p.m. would have little to no impact to the public.

Timothy Z. Smith,

District Manager, Southern Nevada District Office.

[FR Doc. 2014–25468 Filed 10–27–14; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRSS–EQD–SSB–16970; PPWONRADA0, PPMRSNR1Y.NA0000]

Proposed Information Collection; Comment Request: Visibility Valuation Survey

AGENCY: National Park Service, Interior.

ACTION: Notice and request for comments.

SUMMARY: We (National Park Service) will ask the Office of Management and Budget (OMB) to approve the Information Collection Request (ICR) described below. The National Park Service (NPS) is requesting approval for a new collection that will be used to provide data that will be used to estimate the value of visibility changes in national parks and wilderness areas. To comply with the Paperwork Reduction Act of 1995 and as a part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to comment on this ICR. A Federal 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: To ensure that your comments on this ICR are considered, OMB must receive them on or before November 28, 2014.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email to *OIRA_Submission@omb.eop.gov* or fax at 202–395–5806; and identify your submission as 1024–0255. Please also send a copy of your comments to Phadrea Ponds, Information Collection Coordinator, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525 (mail); or *phadrea_ponds@nps.gov* (email). Please reference Information Collection Request 1024–0255 in the subject line.

FOR FURTHER INFORMATION CONTACT: Susan Johnson, National Park Service Air Resources Division, U.S. National Park Service, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225 (mail); *Susan_Johnson@nps.gov* (email). You may also access this ICR at *www.reginfo.gov*.

I. Abstract

On June 19, 2012, the Office of Management and Budget approved a pilot study of visibility improvement valuation in non-urban national parks and wilderness areas. The goal was to test and refine the survey instruments to be able to provide practical utility and generalizability of the final survey. The National Park Service (NPS) is requesting approval of this Information Collection Request (ICR) that will be used to administer a national visibility valuation mail survey. The collection will be used to provide the NPS information needed to evaluate the benefits of programs that may improve visibility conditions in non-urban National Parks and wilderness areas.

II. Data

OMB Control Number: 1024–0255.
Title: Visibility Valuation Survey.
Type of Request: Reinstatement of OMB Control Number 1024–0255.
Affected Public: General Public; Individual Households.
Respondent Obligation: Voluntary.
Frequency of Collection: One time.
Estimated Number of Annual Responses: 9,760.
Estimated Annual Burden Hours: 3,803 hours.
Estimated Annual Reporting and Recordkeeping "Non-Hour Cost": None.

III. Request for Comments

On November 13, 2013, we published a **Federal Register** notice (78 FR 68089) announcing that we would submit this ICR to OMB for approval. Public comments were solicited for 60 days ending January 13, 2014. We received one request for additional information concerning the survey. In response to this request, we provided a summary of the study purpose and design. No other public comments were received.

We again invite comments concerning this ICR on: (1) Whether or not the proposed collection of information is necessary for the agency to perform its duties, including whether or not the information will have practical utility; (2) the accuracy of our estimate of the burden for this 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 the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: October 16, 2014.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2014–25580 Filed 10–27–14; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SERO–BISC–16338; PPSESEROC3, PMP00UP05.YP0000]

Record of Decision for the Fishery Management Plan, Biscayne National Park, FL

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the Final Environmental Impact Statement (FEIS) for the Fishery Management Plan (FMP) for Biscayne National Park (Park). On July 10, 2014, the Regional Director, Southeast Region, approved the ROD for the project.

FOR FURTHER INFORMATION CONTACT: Superintendent Brian Carlstrom, Biscayne National Park, 9700 SW 328th St, Homestead, FL 33033; telephone (305) 230–1144.

SUPPLEMENTARY INFORMATION: Increases in South Florida's boating and fishing population combined with improved fishing and boating technology pose a threat to the long-term sustainability of fishery-related resources and numerous scientific studies suggest that many of the Park's fisheries resources are in decline. An FMP was therefore deemed necessary to guide sustainable use of the Park's fishery-related resources. The Park's FMP will guide fishery

management decisions in the park for the next five to ten years.

Biscayne National Park's FMP is the result of a cooperative effort between the Park and the Florida Fish and Wildlife Conservation Commission (FWC). This partnership is a necessary part of fishery management because the Park's enabling legislation states that fishing within the Park must be in accordance with the laws of the State of Florida.

The FMP FEIS presented a range of five alternatives. The development of the alternatives and the identification of the preferred alternative were based on a combination of public input (derived from three public comment periods and three series of public meetings, and the input of the FMP Working Group), interagency meetings, and environmental and socioeconomic analyses. The NPS, in coordination with the FWC, has decided to implement Alternative 4, Rebuild and Conserve Park Fisheries Resources for its Fishery Management Plan. The NPS and FWC determined that Alternative 4 best balances resource protection and visitor use. Factors considered during the decision-making process included: (A) Assessment of the direction and degree of environmental impacts to the Park's fisheries resources, given their current status, (B) the ability of an alternative to equitably balance conservation, enjoyment and extractive uses of the Park's fisheries resources, (C) impacts on recreational and commercial fishing, (D) feasibility of successfully implementing regulations to achieve alternative goals, and (E) socioeconomic impacts. Factors A and B were weighted more heavily than the remaining factors.

Under Alternative 4, a considerable change from current management strategies would be required to achieve a substantial improvement in Park fisheries resources status and a reduction in fishing-related habitat impacts. Specific regulatory changes proposed under this alternative include:

- Developing park-specific fishing regulations (in conjunction with the FWC) to increase the abundance and average size of targeted fish and invertebrate species within the Park by at least 20% over current conditions and over conditions in similar habitat outside the park.
- Elimination of the two-day lobster sport season.
- Prohibition of the use of an air supply or gear with a trigger mechanism while spearfishing.
- Phasing out of commercial fishing via the requirement that all commercial fishers must purchase a limited-entry, Special Use Permit from the park Superintendent. The permit would be permanently non-transferable, would require annual renewal, and would be "use or lose" such that a permit could not be renewed if (1) it was not renewed the previous year, or (2) no catch was reported in the previous year.
- Establishment (by FWC) of coral reef protection areas (CRPAs) to delineate coral reef habitat on which lobster and crab traps could not be deployed. Traps within the CRPAs could be moved outside CRPA boundaries by authorized FWC or Park staff, or other authorized personnel. Additionally, the trap number from traps observed within CRPAs would be recorded, and traps with three or more recorded violations could be confiscated from Park waters.
- Proposal of a no-trawl zone within the Bay, in which commercial shrimp trawling would be prohibited. This zone would serve to protect juvenile fish and invertebrates commonly caught as bycatch in trawls, as well as protect essential fish habitat.

New regulations will be implemented through the federal rulemaking process (for federal rules) and through the FWC's rulemaking process (for park-specific state rules). The public will have the opportunity to comment on all proposed regulatory changes. Regulatory changes that would be implemented are expected to improve fisheries and habitat resources. The FEIS and National Marine Fishery Service Biological Opinion can be obtained in its entirety by (1) downloading the report from the Planning, Environment, and Public Comment (PEPC) Web site at *http://parkplanning.nps.gov/bisc,* (2) Visiting Biscayne National Park at 9700 SW 328th St, Homestead, FL 33033 to request a copy, or (3) Calling Biscayne National Park at 305–230–1144 to request a copy.

Dated: October 1, 2014.

Stan Austin,

Regional Director, Southeast Region.

[FR Doc. 2014–25583 Filed 10–27–14; 8:45 am]

BILLING CODE 4310–JD–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SERO–CANA–16428; PPSESEROC3, PMP00UP05.YP0000]

Record of Decision for the General Management Plan, Canaveral National Seashore

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, Section 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the General Management Plan (GMP) for Canaveral National Seashore (Seashore). On August 12, 2014 the Regional Director, Southeast Region, approved the ROD for the project.

FOR FURTHER INFORMATION CONTACT: Superintendent Myrna Palfrey, Canaveral National Seashore, 212 S. Washington Avenue, Titusville, FL 32796; telephone (321) 267–1110.

SUPPLEMENTARY INFORMATION: The FEIS/GMP evaluated four alternatives for managing use and development of the Seashore:

- Alternative A was the No-Action Alternative and is the continuation of current management.
- The NPS preferred alternative was Alternative B. Under this alternative, emphasis would be placed on retaining the Seashore's relatively undeveloped character and providing uncrowded experiences by dispersing visitors via a shuttle service or canoe, kayak, hiking and walking trails, and bicycle trails. Elements of this alternative would support the resilience of the Seashore to climate change concerns, such as sea level rise, coastal erosion, and higher storm surges, all of which may affect cultural and natural resources as well as visitor experience at the Seashore.
- Under Alternative C the Seashore would be managed as a place where visitors would explore and experience a wide range of opportunities that would be designed to provide an in-depth understanding of the natural and cultural history of eastern coastal Florida. When visitors enter the Seashore, they would be presented with choices for alternative modes of access to land- and water-based natural and cultural features, appropriate recreational opportunities, and educational pursuits. Enhanced development related to recreational opportunities and educational pursuits would be pursued.
- Under Alternative D the Seashore would be managed to focus on enhancing the existing lands, resources, and facilities. Limited facility development would provide more efficient NPS administration and operations and enhanced visitor amenities. Coordination with partners would be increased to provide additional educational opportunities and programs for visitors and enhanced monitoring of Mosquito Lagoon resources.

The ROD selected Alternative B, which the NPS intends to implement as soon

as possible and which will guide the management of the Seashore over the next 20+ years.

The responsible official for this FEIS/GMP is the Regional Director, NPS Southeast Region, 100 Alabama Street SW., 1924 Building, Atlanta, Georgia 30303.

Dated: October 1, 2014.

Stan Austin,

Regional Director, Southeast Region.

[FR Doc. 2014–25584 Filed 10–27–14; 8:45 am]

BILLING CODE 4310–JD–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337–TA–055, 087, 105, 112, 287, 295]

Certain Novelty Glasses; Certain Coin-Operated Audio Visual Games and Components Thereof; Certain Coin-Operated Audio Visual Games and Components Thereof (Viz., Rally-X and Pac-Man); Certain Cube Puzzles; Certain Strip Lights; Certain Novelty Teleidoscopes; Request for Written Submissions on Whether Certain Commission Exclusion Orders Should Be Rescinded, in Whole or in Part, Based on Changed Conditions of Fact or Law or the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission is requesting submissions on whether the exclusion orders issued at the conclusion of the following six Commission investigations should be rescinded, in whole or in part, based on changed conditions of fact or law, or the public interest, pursuant to 19 CFR 210.76: *Certain Novelty Glasses,* Inv. No. 337–TA–055, Exclusion Order (July 11, 1979); *Certain Coin-Operated Audio Visual Games and Components Thereof,* Inv. No. 337–TA–087, Exclusion Order (June 25, 1981); *Certain Coin-Operated Audio Visual Games and Components Thereof* (*Viz.*, Rally-X and PAC MAN), Inv. No. 337–TA–105, Exclusion Order (January 15, 1982); *Certain Cube Puzzles,* Inv. No. 337–TA–112, Exclusion Order (December 30, 1982); *Certain Strip Lights,* Inv. No. 337–TA–287, Exclusion Order (September 28, 1989); and *Certain Novelty Teleidoscopes,* Inv. No. 337–TA–295, Exclusion Order (April 11, 1990).

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: U.S. Customs and Border Protection ("CBP") has notified the Commission that the six above-identified exclusion orders may be candidates for rescission based on changed conditions of fact or law. Each of the above-identified exclusion orders issued over twenty (20) years ago and each resulted from a Commission investigation alleging a violation of section 337 based on at least trademark or trade dress infringement. CBP's preliminary investigation has indicated that the trademarks or trade dress at issue in the exclusion orders are no longer used in commerce or complainant has stopped making required compliance filings. *See* EDIS Document Nos. 542137–42. The Commission therefore is requesting submissions from the public, including the current owners of the trademarks or trade dress at issue, on whether these exclusion orders should be rescinded based on changed conditions of fact or law, or the public interest, pursuant to 19 CFR 210.76.

The public interest factors that will be considered by the Commission in determining whether to rescind the exclusion orders include the following: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers.

Written Submissions: The parties to the investigations, the current rights' holders or successors-in-interest to the trademarks or trade dress at issue, interested government agencies, and any other interested parties are encouraged to file written submissions on whether the Commission should rescind the exclusion orders at issue based on changed conditions of fact or law or the public interest. The written submissions must be filed no later than close of business on December 22, 2014. Reply submissions must be filed no later than the close of business on January 20, 2015. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to Commission rule 210.4(f), 19 CFR 210.4(f). Submissions should refer to the investigation number (*e.g.,* "Inv. No. 337–TA–055") in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*).

Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: October 22, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–25546 Filed 10–27–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337–TA–867/861 (Advisory Opinion Proceeding)]

Certain Cases for Portable Electronic Devices; Institution of an Advisory Opinion Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute an advisory opinion proceeding in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3042. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Inv. No. 337–TA–861 on November 16, 2012, based on a complaint filed by Speculative Product Design, LLC of Mountain View, California ("Speck"). 77 *FR* 68828 (Nov. 16, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cases for portable electronic devices by reason of infringement of various claims of United States Patent No. 8,204,561 ("the '561 patent"). The complaint named several respondents.

The Commission instituted Inv. No. 337–TA–867 on January 31, 2013, based on a complaint filed by Speck. 78 FR 6834 (Jan. 31, 2013). That complaint also alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cases for portable electronic devices by reason of infringement of various claims of the '561 patent. The complaint named several respondents. On January 31, 2013, the Commission consolidated the two investigations. *Id.*

All the participating respondents were terminated from the consolidated investigations as a result of settlement agreements, consent motion stipulations, or withdrawal of the complaint as to them. A number of the named respondents defaulted. On February 21, 2014, the ALJ issued his final initial determination finding a violation of section 337 as to claims 4, 5, 9, and 11 of the '561 patent by the defaulting respondents and recommended issuance of a general exclusion order ("GEO"). Based on evidence of a pattern of violation and difficulty ascertaining the source of the infringing produces, the Commission agreed with the ALJ and issued a GEO directed to cases for portable electronic devices that infringe one of claims 4, 5, 9, and 11 of the '561 patent.

On September 4, 2014, Otter Products, LLC of Fort Collins, Colorado ("Otter") filed a request with the Commission asking for institution of an advisory opinion proceeding to declare that its Symmetry Series Products are not covered by the general exclusion order. Specifically, Otter requests that the proceeding consider: (1) Whether, under section 337 and the Administrative Procedure Act, the GEO should apply to Otter's imports absent a determination by the Commission in a violation or enforcement proceeding that Otter's products infringe; (2) whether Otter's products are covered by one or more of claims 4, 5, 9, and 11 of the '561 patent; and (3) that the Commission consider the validity of the '561 patent as part of this proceeding. On October 1, 2014, complainant Speck filed an opposition to Otter's request.

The Commission has determined that Otter's request complies with the requirements for institution of an advisory opinion proceeding under Commission Rule 210.79 to determine whether Otter's Symmetry Series products infringe one or more of claims 4, 5, 9, and 11 of the '561 patent. The Commission has determined to reject Otter's argument that the GEO should apply to only products that were specifically before the Commission. *See Hyundai Elecs. Indus. Co.* v. *U.S. Int'l Trade Comm'n*, 899 F.2d 1204, 1210 (Fed. Cir. 1990) (internal citations omitted) ("the Commission can impose a general exclusion order that binds parties and non-parties alike and effectively shifts to would-be importers of potentially infringing articles, as a condition of entry, the burden of establishing noninfringement."); *Multi Level Touch Control Lighting Switches*, USITC Inv. No. 337–TA–225, 1987 ITC Lexis 274, *6 (Jul. 16, 1987) ("It is in the nature of general exclusion orders that they may apply to articles not before the Commission during the investigation.") The Commission has also determined to continue its longstanding practice of not considering the validity of the underlying intellectual property in advisory proceedings. *See Certain Rare Earth Magnets and Magnetic Materials and Articles Containing Same*, Inv. No. 337–TA–413, Denial of Request for Advisory Opinion at 1 (Nov. 1, 2010); *Multi-Level Touch Control Lighting Switches*, Inv. No. 337–TA–225 at *5–6.

Accordingly, the Commission has determined to institute an advisory opinion proceeding to determine only whether Otter's Symmetry Series products infringe one or more of claims 4, 5, 9, and 11 of the '561 patent. The Commission has determined to refer Otter's request to the Office of Unfair Import Investigations ("OUII"). The parties will furnish OUII with information as requested, and OUII shall investigate and issue a report to the Commission within ninety (90) days of the date of publication of this notice in the **Federal Register**. The Commission will issue an advisory opinion within 45 days of receipt of OUII's written report. The following entities are named as parties to the proceeding: (1) Complainant Speck and (2) Otter.

The authority for the Commission's determination is contained in sections 335 and 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1335, 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Issued: October 22, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–25551 Filed 10–27–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On October 21, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Oregon in a lawsuit entitled *United States* v. *Justine V.R. Russell, in her capacity as Personal Representative of the Estate of Roger Milliken, Dr. Ora K. Smith, and Sue Beauregard Rife, in her capacity as Personal Representative of the Estate of William A. Bowes*, Civil Action No. 2:14–cv–01660–SU.

The United States filed this lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, ("CERCLA"), 42 U.S.C. 9601 *et*

seq. The United States' complaint names Justine V.R. Russell, in her capacity as Personal Representative of the Estate of Roger Milliken, Dr. Ora K. Smith, and Sue Beauregard Rife, in her capacity as Personal Representative of the Estate of William A. Bowes, as defendants. The complaint requests recovery of costs that the United States incurred responding to releases and the threat of releases of hazardous substances at and from the New York Mine Complex Site, the Ajax and Magnolia Mines Site, and the Independence Mine Group Site (also known as the Cougar Mine Site or Cougar Complex Site) in northeastern Oregon (collectively the "Historic Oregon Sites"). All of the defendants signed the Consent Decree. The defendants agreed to pay a total of $1,200,000.00 of the United States' response costs. In return, the United States agrees not to sue the defendants under sections 106, 107, and 113 of CERCLA with regard to the Historic Oregon Sites.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Justine V.R. Russell, in her capacity as Personal Representative of the Estate of Roger Milliken, Dr. Ora K. Smith, and Sue Beauregard Rife, in her capacity as Personal Representative of the Estate of William A. Bowes,* Civil Action No. 2:14–cv–01660–SU, D.J. Ref. No. 90–11–3–10258/1.

All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	pubcomment-ees.enrd@usdoj.gov.
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–25566 Filed 10–27–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 10–14]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, November 6, 2014: 10:00 a.m.—Oral hearing on Objection to Commission's Proposed Decision in Claim No. IRQ–I–026; 10:45 a.m.—Issuance of Proposed Decisions in claims against Libya.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2014–25677 Filed 10–24–14; 11:15 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Office of the Secretary

Request for Comments on Labor Capacity-Building Efforts Under the Dominican Republic-Central America-United States Free Trade Agreement

AGENCIES: Bureau of International Labor Affairs, U.S. Department of Labor and Office of the United States Trade Representative.

ACTION: Request for comments from the public.

SUMMARY: This notice is a request for comments from the public to assist the Secretary of Labor and the United States Trade Representative in preparing a report on labor capacity-building efforts under Chapter 16 ("the Labor Chapter") and Annex 16.5 of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA–DR"). Comments are also welcomed on efforts made by the CAFTA–DR countries to implement the labor obligations under the Labor Chapter and the recommendations contained in a paper entitled, "The Labor Dimension in Central America and the Dominican Republic—Building on Progress: Strengthening Compliance and Enhancing Capacity" (the "White Paper"). This report is required under the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA–DR Implementation Act). The reporting function and the responsibility for soliciting public comments required under this Act were assigned to the Secretary of Labor in consultation with the United States Trade Representative (USTR).

DATES: Written comments are due no later than 5 p.m. (EDT) November 10, 2014.

ADDRESSES: Public comments should be submitted electronically to *www.regulations.gov,* the Federal e-rulemaking portal, docket number DOL 2014–0005. Comments may also be submitted by mail to: Mr. James Rude, Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5303, Washington, DC 20210. Comments that are mailed must be received by the date indicated for consideration. Also, please note that due to security concerns, postal delivery in Washinton, DC may be delayed. Therefore, in order to ensure that comments receive full consideration, the Department encourages the public to submit comments via the internet as indicated above. Please submit only one copy of your comments by only one method. Also, please be advised that comments received will become a matter of public record and will be posted without change to *http://www.regulations.gov,* including any personal information provided. The Department cautions commenters not to include personal information, such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments as such information will become viewable by the public on the *http://www.regulations.gov* Web site. It is each commenter's responsibility to safeguard

his or her information. Comments submitted through *http://www.regulations.gov* will not include the commenter's email address unless the commenter chooses to include that information as part of his or her comment. If you are unable to provide submissions by either of these means, please contact James Rude (202–693–4806) to arrange for an alternative method of submission.

FOR FURTHER INFORMATION CONTACT: Mr. James Rude, Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5303, Washington, DC 20210. Email: *Rude.James@DOL.Gov,* Telephone: (202) 693–4806.

SUPPLEMENTARY INFORMATION:

1. Background Information

During the legislative approval process for the CAFTA–DR, the Administration and the Congress reached an understanding on the need to support labor capacity-building efforts linked to recommendations identified in the "White Paper" of the Working Group of the Vice Ministers Responsible for Trade and Labor in the countries of Central America and the Dominican Republic. Appropriations were made available from FY 2005 through 2013 to support labor capacity building efforts in CAFTA–DR countries. For more information, see the full text of the CAFTA–DR at *http://www.ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta/final-text* and the "White Paper" at *http://www.sice.oas.org/labor/White%20Paper_e.pdf.*

In addition, in December 2006, the U.S. Department of Labor (USDOL) published its procedural guidelines for the receipt and review of submissions under U.S. Free Trade Agreements, including the CAFTA–DR (71 FR 76691 Dec. 21, 2006). Subsequently, pursuant to CAFTA–DR Article 16.4.2, in November 2008, the United States and CAFTA–DR partner countries held the first Labor Affairs Council meeting in San Salvador, El Salvador. Since the CAFTA–DR came into force, USDOL's Office of Trade and Labor Affairs (OTLA) has received and accepted three submissions under the labor chapter of the CAFTA–DR. OTLA issued a public report in January 2009 on its review of a submission regarding Guatemala and another in September 2013 regarding the Dominican Republic. Another submission regarding Honduras is currently in the review process with the public report expected in 2014.

Under section 403(a) of the CAFTA–DR Implementation Act, 19 U.S.C. 4111(a), the President must report biennially to the Congress on the progress made by the CAFTA–DR countries in implementing the labor obligations and the labor capacity-building provisions found in the Labor Chapter and in Annex 16.5, and in implementing the recommendations contained in the "White Paper." Section 403(a)(4) requires that the President establish a mechanism to solicit public comments on the matters described in section 403(a)(3)(D) of the CAFTA–DR Implementation Act, 19 U.S.C. 4111(a)(4) (listed below in 2).

By Proclamation, the President delegated the reporting function and the responsibility for soliciting public comments under section 403(a) of the CAFTA–DR Implementation Act, 19 U.S.C. 4111(a), to the Secretary of Labor, in consultation with the USTR. Proclamation No. 8272, 73 FR 38,297 (June 30, 2008). This notice serves to request public comments as required by this section.

2. The USDOL Is Seeking Comments on the Following Topics as Required Under Section 403(a)(3)(D) of the CAFTA–DR Implementation Act

a. Capacity-building efforts by the United States government envisaged by Article 16.5 of the CAFTA–DR Labor Chapter and Annex 16.5;

b. Efforts by the United States government to facilitate full implementation of the "White Paper" recommendations; and

c. Efforts made by the CAFTA–DR countries to comply with Article 16.5 of the Labor Chapter and Annex 16.5 and to fully implement the "White Paper" recommendations, including progress made by the CAFTA–DR countries in affording to workers internationally-recognized worker rights through improved capacity.

3. Requirements for Submission

Persons submitting comments must do so in English and must make the following note on the first page of their submissions: "Comments regarding the CAFTA–DR Implementation Act." In order to be assured consideration, comments should be submitted by 5 p.m. (EDT) October 27, 2014. The Department of Labor encourages commenters to make on-line submissions using the *www.regulations.gov* Web site. When entering this site, enter docket number DOL 2014–0005 on the home page and click "search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled "Comment Now." (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on "How to Use This Site" (found on the left side of the home page)).

The *www.regulations.gov* Web site allows users to provide comments by filling in a "Type Comment field," or by attaching a document using an "Upload File" field. The USDOL prefers that uploaded submissions be in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Type Comment" field.

Please do not attach separate cover letters to electronic submissions; rather include any information that might appear in a cover letter in the submission itself. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself and not as separate files.

As noted, USDOL strongly urges submitters to file comments through the *www.regulations.gov* Web site.

Comments will be placed in the docket and open to public inspection. Comments may be viewed on the *www.regulations.gov* Web site by entering the relevant docket number in the search field on the home page.

Signed at Washington, DC, the 16 day of October 2014.

Carol Pier,

Deputy Undersecretary for International Affairs.

[FR Doc. 2014–25535 Filed 10–27–14; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection

requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the *"Local Area Unemployment Statistics (LAUS) Program"*. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before December 29, 2014.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See Addresses section.)

SUPPLEMENTARY INFORMATION:

I. Background

The BLS has been charged by Congress (29 U.S.C. 1 and 2) with the responsibility of collecting and publishing monthly information on employment, the average wage received, and the hours worked by area and industry. The process for developing residency-based employment and unemployment estimates is a cooperative Federal-State program which uses employment and unemployment inputs available in State Workforce Agencies.

The labor force estimates developed and issued in this program are used for economic analysis and as a tool in the implementation of Federal economic policy in such areas as employment and economic development under the Workforce Investment Act and the Public Works and Economic Development Act, among others.

The estimates also are used in economic analysis by public agencies and private industry, and for State and area funding allocations and eligibility determinations according to legal and administrative requirements. Implementation of current policy and legislative authorities could not be accomplished without collection of the data.

The reports and manual covered by this request are integral parts of the LAUS program insofar as they ensure and measure the timeliness, quality, consistency, and adherence to program directions of the LAUS estimates and related research.

II. Current Action

Office of Management and Budget clearance is being sought for a revision of the information collection request that makes up the LAUS program. All aspects of the information collection are conducted electronically. All data are entered directly into BLS-provided systems.

The BLS, as part of its responsibility to develop concepts and methods by which States prepare estimates under the LAUS program, developed a manual for use by the States. The manual explains the conceptual framework for the State and area estimates of employment and unemployment, specifies the procedures to be used, provides input information, and discusses the theoretical and empirical basis for each procedure. This manual is updated on a regular schedule. The LAUS program will implement a major program redesign in January 2015. The Redesign was announced in the **Federal Register** on September 10, 2014 (79 FR 53787).

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information continues to have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Local Area Unemployment Statistics (LAUS) Program.

OMB Number: 1220–0017.

Affected Public: State governments.

	Total respondents	Frequency	Total responses	Average time per response (hours)	Estimated total burden (hours)
LAUS 3040	52 respondents with 7403 reporting units.	13	96,239	1.5	144,358.5
LAUS 8	52	11	572	1	572
LAUS 15	6	1	6	2	12
LAUS 16	52	1	52	1	52
Totals			96,869		144,994.5

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 22nd day of October 2014.

Kimberley Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2014–25490 Filed 10–27–14; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–006]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request extension of a currently approved information collection used when veterans or other authorized individuals request information from or copies of documents in military service records. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before December 29, 2014 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (ISP), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–713–7409; or electronically mailed to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301–837–1694, or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed collection information is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Request Pertaining to Military Records.

OMB number: 3095–0029.

Agency form number: SF 180.

Type of review: Regular.

Affected public: Veterans, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 1,028,769.

Estimated time per response: 5 minutes.

Frequency of response: On occasion (when respondent wishes to request information from a military personnel record).

Estimated total annual burden hours: 85,731 hours.

Abstract: The authority for this information collection is contained in 36 CFR 1233.18(d). In accordance with rules issued by the Department of Defense (DOD) and Department of Homeland Security (DHS, US Coast Guard), the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA) administers military service records of veterans after discharge, retirement, and death. When veterans and other authorized individuals request information from or copies of documents in military service records, they must provide in forms or in letters certain information about the veteran and the nature of the request. Federal agencies, military departments, veterans, veterans' organizations, and the general public use Standard Forms (SF) 180, Request Pertaining to Military Records, in order to obtain information from military service records stored at NPRC. Veterans and next-of-kin of deceased veterans can also use eVetRecs (*http://www.archives.gov/research_room/vetrecs/*) to order copies.

Dated: October 20, 2014.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2014–25581 Filed 10–27–14; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0239]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from October 2, 2014 to October 15, 2014. The last biweekly notice was published on October 14, 2014.

DATES: Comments must be filed by November 28, 2014. A request for a hearing must be filed by December 29, 2014.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0239. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Shirley Rohrer, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5411, email: *Shirley.Rohrer@nrc.gov*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0239 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0239.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *"ADAMS Public Documents"* and then select *"Begin Web-based ADAMS Search."* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0239 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of

which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR Part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov*, or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html*. System requirements for accessing the E-Submittal server are detailed in the NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by email to *MSHD.Resource@nrc.gov*, or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having

granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the "Obtaining Information and Submitting Comments" section of this document.

Duke Energy Florida, Inc. et al. (DEF), Docket No. 50–302, Crystal River, Unit 3, Nuclear Generating Plant (CR–3), Citrus County, Florida

Date of amendment request: October 29, 2013, as supplemented by letters dated May 7, 2014 and June 17, 2014. Publicly-available versions are in ADAMS under Accession Nos. ML13316C083, ML14139A006, and ML14178B284.

Description of amendment request: The amendment would revise the CR–3 Facility Operating License (FOL) to remove and revise certain License Conditions. This amendment also proposes to extensively revise the CR–3 Improved Technical Specifications (ITS) in order to create the CR–3 Permanently Defueled Technical Specifications (PDTS).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

CR–3 has permanently ceased operation. The proposed amendment would modify the CR–3 FOL and ITS by proposing to delete certain License Conditions (LCs) and ITS that are no longer applicable to a permanently defueled facility, while modifying the remaining portions to correspond to the permanently shutdown condition. Changes proposed to LCs will make them consistent with the non-operating status of CR–3. Other proposed LCs changes will eliminate LCs that were designed for one time implementation and have been satisfied, or are no longer required due to changes to Part 50 or Part 73 regulations that accomplish the same result or eliminate the requirement for the LC. The proposed changes to the ITS are consistent with the criteria set forth in 10 CFR 50.36 for the contents of ITS.

Chapter 14 of the CR–3 Final Safety Analysis Report (FSAR) described the design basis accident (DBA) and transient scenarios applicable to CR–3 during power operations. With the reactor in a permanently defueled condition, the spent fuel pool and its cooling systems are dedicated only to spent fuel storage. In this condition, the spectrum of credible accidents is much smaller than for an operational plant. As a result of the certifications submitted by CR–3 in accordance with 10 CFR 50.82(a)(1), and the consequent removal of authorization to operate the reactor or to place or retain fuel in the reactor vessel in accordance with 10 CFR 50.82(a)(2), the majority of the accident scenarios originally postulated in the FSAR are no longer possible and have been removed from the FSAR under 10 CFR 50.59.

The definition of safety-related structures, systems, and components (SSCs) in 10 CFR 50.2 states that safety-related SSCs are those relied on to remain functional during and following design basis events to assure:

1. The integrity of the reactor coolant boundary;

2. The capability to shutdown the reactor and maintain it in a safe shutdown condition; or

3. The capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to the applicable guideline exposures set forth in 10 CFR 50.34(a)(1) or 100.11.

The first two criteria, integrity of the reactor coolant pressure boundary and safe shutdown of the reactor, are not applicable to a plant in a permanently defueled condition. The third criterion is related to preventing or mitigating the consequences of accidents that could result in potential offsite exposures exceeding limits. However, after the termination of reactor operations at CR–3 and the permanent removal of the fuel from the reactor vessel (following 4 years of decay time after shutdown) and purging of the contents of the waste gas decay tanks, none of the SSCs at CR–3 are required to be relied on for accident mitigation. Therefore, none of the SSCs at CR–3 meet the definition of a safety-related SSC stated in 10 CFR 50.2 (with the exception of the passive spent fuel pool structure).

The deletion of ITS definitions and rules of usage and application, that are currently not applicable in a defueled condition, has no impact on facility SSCs or the methods of operation of such SSCs. The deletion of design features and safety limits not applicable to the permanently shutdown and defueled status of CR–3 has no impact on the remaining DBA [design basis accidents] (the Fuel Handling Accident in the Auxiliary Building) or the proposed Radioactive Waste Handling Accident. The removal of LCOs [Limiting Conditions for Operation] or SRs [Surveillance Requirements] that are related only to the operation of the nuclear reactor or accidents do not affect mitigation of the applicable DBAs previously evaluated since these DBAs are no longer applicable in the defueled mode. The safety functions involving core reactivity control, reactor heat removal, reactor coolant system inventory control, and containment integrity are no longer applicable at CR–3 as a permanently defueled plant. The analyzed accidents involving damage to the reactor coolant system, main steam lines, reactor core, and the subsequent release of radioactive material are no longer possible at CR–3

Since CR–3 has permanently ceased operation, the generation of fission products has ceased and the remaining source term will decay. The radioactive decay of the irradiated fuel since shutdown of the reactor have reduced the consequences of the Fuel Handling Accident (FHA) to levels well below those previously analyzed. The relevant parameter (water level) associated with the fuel pool provides an initial condition for the FHA analysis and is included in the PDTS.

The spent fuel pool water level, spent fuel pool boron concentration, and spent fuel pool storage LCOs are retained to preserve the current requirements for safe storage of irradiated fuel.

Fuel pool cooling and makeup related equipment and support equipment (e.g., electrical power systems) are not required to be continuously available since there is sufficient time to effect repairs, establish alternate sources of makeup flow, or establish alternate sources of cooling in the event of a loss of cooling and makeup flow to the spent fuel pool.

The deletion and modification of provisions of the Administrative Controls do not directly affect the design of SSCs necessary for the safe storage of irradiated fuel or the methods used for handling and

storage of such fuel in the fuel pool. Deletion of Programs are administrative in nature and do not affect any accidents applicable to the safe management of irradiated fuel or the permanently shutdown and defueled condition of the reactor.

The proposed LC revisions reflect the CR–3 functions that are still authorized in the permanently defueled condition, and remove authorizations that suggest the reactor can be placed in operation. LCs that are being removed due to their one time applicability being previously satisfied have no bearing on future functions at CR–3. Other LCs are being removed that are not required by regulation for a permanently defueled and decommissioning plant. These changes cannot increase the probability or consequences of any accident that remains credible. The probability of occurrence of previously evaluated accidents is not increased, since extended operation in a defueled condition is the only operation currently allowed, and is therefore bounded by the existing analyses. Additionally, the occurrence of postulated accidents associated with reactor operation is no longer credible in a permanently defueled reactor. This significantly reduces the scope of applicable accidents.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes have no impact on facility SSCs affecting the safe storage of irradiated fuel, or on the methods of operation of such SSCs, or on the handling and storage of irradiated fuel itself. The removal of ITS that are related only to the operation of the nuclear reactor or only to the prevention, diagnosis, or mitigation of reactor-related transients or accidents cannot result in different or more adverse failure modes or accidents than previously evaluated because the reactor is permanently shutdown and defueled, and CR–3 is no longer authorized to operate the reactor.

The proposed deletion of requirements of the CR–3 ITS do not affect safe storage of nuclear fuel. The proposed PDTS continue to require proper control and monitoring of safety significant parameters. The proposed restriction on the fuel pool level is fulfilled by normal operating conditions and preserves initial conditions assumed in the analyses of the postulated DBA. The spent fuel pool water level, spent fuel pool boron concentration, and spent fuel pool storage LCOs are retained to preserve the current requirements for safe storage of irradiated fuel.

The proposed amendment does not result in any new mechanisms that could initiate damage to the remaining relevant safety barriers for defueled plants (i.e., fuel cladding and spent fuel cooling). Since extended operation in a defueled condition is the only operation currently allowed, and therefore bounded by the existing analyses, such a condition does not create the possibility of a new or different kind of accident.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Because the 10 CFR Part 50 license for CR–3 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation are no longer credible. The only remaining credible accident is a FHA. The proposed amendment does not adversely affect the inputs or assumptions of any of the design basis analyses that impact a FHA.

The proposed changes are limited to those portions of the LCs and ITS that are not related to the safe storage of irradiated fuel. The requirements for SSCs that have been deleted from the CR–3 ITS are not credited in the existing accident analysis for the remaining applicable postulated accident; and as such, do not contribute to the margin of safety associated with the accident analysis. Postulated DBAs involving the reactor are no longer possible because the reactor is permanently shutdown and defueled and CR–3 is no longer authorized to operate the reactor.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety because the current design limits continue to be met for the accident of concern.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, 550 South Tryon Street, Charlotte NC 28202.

NRC Branch Chief: Douglas A. Broaddus.

Entergy Nuclear Indian Point 3, LLC, Docket No. 50–286, Indian Point, Unit 3, Westchester County, NY

Date of amendment request: April 1, 2014. A publicly-available version is in ADAMS under Accession No. ML14099A333.

Description of amendment request: The amendment would revise Technical Specifications (TS) Figure 3.4.3–1, Heatup Limitations for Reactor Coolant System, Figure 3.4.3–2, Cooldown Limitations for Reactor Coolant System, and Figure 3.4.3–3, Hydrostatic and Inservice Leak Testing Limitations for Reactor Coolant System, to indicate that the curves are applicable for vacuum fill.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated.

The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. There are no physical changes to the plant being introduced by the proposed changes to the heatup, cooldown and hydrostatic inservice leak testing limitation curves. The proposed changes do not modify the RCS pressure boundary. That is, there are no changes in operating pressure, materials, or seismic loading. The proposed changes do not adversely affect the integrity of the RCS pressure boundary such that its function in the control of radiological consequences is affected. The heatup, cooldown and hydrostatic inservice leak testing limitation curves were established in compliance with the methodology used to calculate and predict effects of radiation on embrittlement of RPV beltline materials and remain valid during vacuum fill.

Consequently, the proposed changes do not involve a significant increase in the probability or the consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. No new modes of operation are introduced by the proposed changes. The proposed changes will not create any failure mode not bounded by previously evaluated accidents.

Consequently, the proposed changes do not create the possibility of a new or different kind of accident, from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in the margin of safety.

The proposed TS changes do not involve a significant reduction in the margin of safety. The changes clarify that the heatup, cooldown and hydrostatic inservice leak testing limitation curves remain valid during vacuum fill (to 0 psia) in accordance with current regulations. Because operation will be within these limits, the RCS materials will continue to behave in a non-brittle manner consistent with the original design bases.

Therefore, Entergy has concluded that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff

proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Benjamin Beasley.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Units 1 and 2, Ogle County, Illinois

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: July 14, 2014. A publicly-available version is in ADAMS under Accession No. ML14195A172.

Description of amendment request: The proposed amendment would revise and add technical specification (TS) surveillance requirements to address the concerns discussed in NRC Generic Letter 2008–01, "Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems," dated January 11, 2008 (ADAMS Accession No. ML072910759). The proposed TS changes are based on NRC-approved TS Task Force (TSTF) Traveler TSTF–523, Revision 2, "Generic Letter 2008–01, Managing Gas Accumulation," dated February 21, 2013 (ADAMS Accession No. ML13053A075). The NRC staff issued a Notice of Availability for TSTF–523, Revision 2, for plant-specific adoption using the Consolidated Line Item Improvement Process, in the **Federal Register** on January 15, 2014 (79 FR 2700).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises or adds Surveillance Requirements (SRs) that require verification that the Emergency Core Cooling System (ECCS), the Decay Heat Removal (DHR)/Residual Heat Removal (RHR)/Shutdown Cooling (SDC) System, the Containment Spray (CS) System, and the Reactor Core Isolation Cooling (RCIC) System, as applicable, are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable to perform their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, the DHR/RHR/SDC System, the CS System, and the RCIC System, as applicable, are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

2. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, the DHR/RHR/SDC System, the CS System, and the RCIC System, as applicable, are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Travis L. Tate.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station (BVPS), Units 1 and 2, Beaver County, Pennsylvania

Date of amendment request: September 4, 2014. A publicly-available version is available in ADAMS under Accession No. ML14247A512.

Description of amendment request: The amendment proposes changes to align the BVPS Emergency Planning Zone (EPZ) boundary with the boundary that is currently in use by the emergency management agencies of the three counties that implement public protective actions around BVPS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, along with NRC edits in square brackets:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This amendment request would alter portions of the outer EPZ boundary defined in the BVPS EPP [Emergency Preparedness Plan] to align with the EPZ boundaries implemented by the Columbiana County, Hancock County, and Beaver County emergency management agencies. The proposed amendment does not involve any modifications or physical changes to plant systems, structures, or components. The proposed amendment does not change plant operations or maintenance of plant systems, structures, or components. Nor does the proposed amendment alter any BVPS EPP

facility or equipment. Changing the EPZ boundaries cannot increase the probability of an accident since emergency plan functions would be implemented after a postulated accident occurs. The proposed amendment does not alter or prevent the ability of the BVPS emergency response organization to perform intended emergency plan functions to mitigate the consequences of and to respond adequately to radiological emergencies.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This amendment request alters the EPZ boundary described in the BVPS EPP. The proposed amendment does not involve any design modifications or physical changes to the plant, does not change plant operation or maintenance of equipment, and does not alter BVPS EPP facilities or equipment. The proposed amendment to the BVPS EPP does not alter any BVPS emergency actions that would be implemented in response to postulated accident events. The proposed amendment does not create any credible new failure mechanisms, malfunctions, or accident initiators not previously considered.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This amendment request would alter portions of the EPZ boundary defined in the BVPS EPP. The proposed amendment does not involve any design or licensing basis functions of the plant, no physical changes to the plant are made, does not impact plant operation or maintenance of equipment, and does not alter BVPS EPP facilities or equipment. This change does not alter any BVPS emergency actions that would be implemented in response to postulated accident events. The BVPS EPP continues to meet 10 CFR 50.47 and 10 CFR 50, Appendix E requirements for emergency response.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: Meena K. Khanna.

Florida Power and Light Company, et al. (the licensee), Docket Nos. 50–335 and 50–389, St. Lucie Plant, Units 1 and 2, St. Lucie County, Florida

Date of amendment request: July 14, 2014. A publicly-available version is in ADAMS under Accession No. ML14198A074.

Description of amendment request: The amendments would revise or add surveillance requirements (SRs) to verify that the system locations susceptible to gas accumulation are sufficiently filled with water and to provide allowances that permit performance of the verification. The licensee proposed the changes to address NRC Generic Letter 2008–01, "Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems" (ADAMS Accession No. ML072910759), as described in Revision 2 of Technical Specification Task Force No. 523, "Generic Letter 2008–01, Managing Gas Accumulation" (ADAMS Accession No. ML13053A075).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the Proposed Change Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the Emergency Core Cooling Systems (ECCS), Residual Heat Removal (RHR) System, Shutdown Cooling (SDC) System, and Containment Spray (CS) System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable of performing their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the Proposed Change Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, RHR System, SDC System, and CS System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the Proposed Change Involve a Significant Reduction in a Margin of Safety?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, RHR System, SDC System, and CS System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure that the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light, 700 Universe Blvd., MS LAW/JB, Juno Beach, Florida 33408–0420.

NRC Acting Branch Chief: Lisa M. Regner.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Units 1 and 2, St. Lucie County, Florida

Date of amendment request: August 8, 2014. A publicly-available version is in ADAMS under Accession No. ML14225A654.

Description of amendment request: The amendments would modify the Technical Specifications by removing TS 3/4.4.7, "Chemistry," which provides limits on the oxygen, chloride, and fluoride content in the reactor coolant system to minimize corrosion.

The licensee requested that these requirements be relocated to the Updated Final Safety Analysis Report (UFSAR) and controlled in accordance with 10 CFR 50.59, "Changes, tests, and experiments."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee provided its analysis of the issue of no significant hazards consideration, which is presented as follows:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change acts to remove current Reactor Coolant System (RCS) chemistry limits and monitoring requirements from the TS and relocate the requirements to the UFSAR. Monitoring and maintaining RCS chemistry minimizes the potential for corrosion of RCS piping and components. Corrosion effects are considered a long-term impact on RCS structural integrity. Because RCS chemistry will continue to be monitored and controlled, relocating the current TS requirements to the UFSAR will not present an adverse impact to the RCS and subsequently, will not impact the probability or consequences of an accident previously evaluated. Furthermore, once relocated to the UFSAR, changes to RCS chemistry limits and monitoring requirements will be controlled in accordance with 10 CFR 50.59.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change acts to remove current Reactor Coolant System (RCS) chemistry limits and monitoring requirements from the TS and relocate the requirements to the UFSAR. The proposed change does not introduce new modes of plant operation and it does not involve physical modifications to the plant (no new or different type of equipment will be installed). There are no changes in the method by which any safety related plant structure, system, or component (SSC) performs its specified safety function. As such, the plant conditions for which the design basis accident analyses were performed remain valid.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of the proposed change. There will be no adverse effect or challenges imposed on any SSC as a result of the proposed change.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

Margin of safety is related to confidence in the ability of the fission product barriers to perform their accident mitigation functions. The proposed change acts to remove current Reactor Coolant System (RCS) chemistry limits and monitoring requirements from the TS and relocate the requirements to the UFSAR. The proposed change will maintain limits on RCS chemistry parameters and will continue to provide associated monitoring requirements. The proposed change does not physically alter any SSC. There will be no effect on those SSCs necessary to assure the accomplishment of protection functions. There will be no impact on the overpower limit, departure from nucleate boiling ratio (DNBR) limits, loss of cooling accident peak cladding temperature (LOCA PCT), or any other margin of safety. The applicable radiological dose consequence acceptance criteria will continue to be met.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd. MS LAW/JB, Juno Beach, Florida 33408–0420.

NRC Acting Branch Chief: Lisa M. Regner.

Luminant Generation Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant (CPNPP), Units 1 and 2, Somervell County, Texas

Date of amendment request: July 1, 2014. A publicly-available version is in ADAMS under Accession No. ML14192A338.

Description of amendment request. The amendments would revise Technical Specification (TS) 3.8.1, "AC [Alternating Current] Sources—Operating," to extend, on a one-time basis, the Completion Time (CT) of Required Action A.3 from 72 hours to 14 days. By letter dated September 18, 2013 (ADAMS Accession No. ML13232A143), the NRC staff issued Amendment No. 160 to Facility Operating License No. NPF–87 and Amendment No. 160 to Facility Operating License No. NPF–89 for CPNPP, Units 1 and 2, respectively. The amendments revised TS 3.8.1 to extend the CT for Required Action A.3 on a one-time basis from 72 hours to 14 days. The CT extension from 72 hours to 14 days was to be used twice while completing the plant modification to install alternate startup transformer (ST) XST1A and was to expire on March 31, 2014.

The first 14-day CT was successfully completed, on October 14, 2013. However, the licensee inadvertently cut the wrong offsite power cable during the second 14-day CT resulting in a total loss-of-offsite power (LOOP) to both units and the modification had to be abandoned. Due to the cut-cable event and the subsequent efforts to determine the causes and corrective actions, the modification could not be completed by March 31, 2014. The licensee has requested an extension of the CT from 72 hours to 14 days on one-time basis to complete the plant modification. Installation of the alternate ST XST1A will result in improved offsite power system reliability.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change will revise the CT for the loss of one offsite source from 72 hours to 14 days to allow a one-time, 14-day CT. The proposed one-time extension of the CT for the loss of one offsite power circuit does not significantly increase the probability of an accident previously evaluated. The TS will continue to require equipment that will power safety related equipment necessary to perform any required safety function. The one-time extension of the CT to 14 days does not affect the design of the STs, the interface of the STs with other plant systems, the operating characteristic of the STs, or the reliability of the STs.

The consequence of a LOOP event has been evaluated in the CPNPP Final Safety Analysis Report (Reference 8.1 [of the licensee's letter dated July 1, 2014]) and the Station Blackout evaluation. Increasing the CT for one offsite power source on a one-time basis from 72 hours to 14 days does not increase the consequences of a LOOP event nor change the evaluation of LOOP events.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not result in a change in the manner in which the electrical distribution subsystems provide plant protection. The proposed change will only affect the time allowed to restore the operability of the offsite power source through a ST. The proposed change does not affect the configuration, or operation of the

plant. The proposed change to the CT will facilitate installation of a plant modification which will improve plant design and will eliminate the necessity to shut down both Units if XST1 fails or requires maintenance that goes beyond the current TS CT of 72 hours. This change will improve the long-term reliability of the 138 [kiloVolt (kV)] offsite circuit ST which is common to both CPNPP Units.

There are no changes to the STs or the supporting systems operating characteristics or conditions. The change to the CT does not change any existing accident scenarios, nor create any new or different accident scenarios. In addition, the change does not impose any new or different requirements or eliminate any existing requirements. The change does not alter any of the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not affect the acceptance criteria for any analyzed event nor is there a change to any safety limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. Neither the safety analyses nor the safety analysis acceptance criteria are affected by this change. The proposed change will not result in plant operation in a configuration outside the current design basis. The proposed activity only increases a one-time pre-planned occurrence, the period when the plant may operate with one offsite power source. The margin of safety is maintained by maintaining the ability to safely shut down the plant and remove residual heat.

Therefore, the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Timothy P. Matthews, Esq., Morgan, Lewis and Bockius, 1111 Pennsylvania Avenue NW., Washington, DC 20004.

NRC Branch Chief: Michael T. Markley.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: August 21, 2014. A publicly-available version is in ADAMS under Accession No. ML14233A431.

Description of amendment request: The proposed amendments would revise the PINGP, Units 1 and 2, licensing basis analysis for waste gas decay tank rupture.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This license amendment request proposes to revise the licensing basis waste gas decay tank rupture analysis. The proposed analysis was updated to include the current fuel type, current fuel cycle lengths and plant operation to sixty years.

The proposed waste gas decay tank rupture analysis changes are not accident initiators, and therefore the proposed changes do not involve an increase in the probability of an accident.

The original waste gas decay tank rupture analysis demonstrated that the doses were a small fraction of the regulatory guidelines and that the waste gas system design prevents release of undue amounts of radioactivity. The revised waste gas decay tank rupture analysis demonstrates that the doses are well within the regulatory guidelines and that the waste gas system design continues to prevent release of undue amounts of radioactivity, and thus the proposed changes do not involve a significant increase in the consequences of an accident.

Therefore, the proposed licensing basis change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This license amendment request proposes to revise the licensing basis waste gas decay tank rupture analysis. The proposed analysis was updated to include the current fuel type, current fuel cycle lengths and plant operation to sixty years.

The proposed waste gas decay tank rupture analysis includes plant changes that have previously been evaluated. This analysis applies the same methodology as the previous analysis. The proposed revision to the waste gas decay tank rupture analysis does not change any system operations or maintenance activities. The changes do not involve physical alteration of the plant; that is, no new or different type of equipment will be installed. These changes do not create new failure modes or mechanisms which are not identifiable during testing and no new accident precursors are generated.

Therefore, the proposed licensing basis change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

This license amendment request proposes to revise the licensing basis waste gas decay tank rupture analysis. The proposed analysis was updated to include the current fuel type, current fuel cycle lengths and plant operation to sixty years.

This revised analysis applies the same methodology as the original waste gas decay tank rupture analysis. The original waste gas decay tank rupture analysis demonstrated that the doses were a small fraction of the regulatory guidelines and that the waste gas system design prevents release of undue amounts of radioactivity. The revised waste gas decay tank rupture analysis demonstrates that the doses are well within the regulatory guidelines and that the waste gas system design continues to prevent release of undue amounts of radioactivity.

Therefore, the proposed licensing basis change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401

NRC Branch Chief: David L. Pelton.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station (SNGS), Units 1 and 2, Salem County, New Jersey

Date of amendment request: July 28, 2014. A publicly-available version is in ADAMS under Accession No. ML14210A484.

Description of amendment request: The proposed amendment would modify technical specification (TS) requirements regarding steam generator tube inspections and reporting as described in Technical Specification Task Force (TSTF) traveler TSTF–510, Revision 2, "Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection." In addition, the proposed amendment would revise the SNGS, Unit 2, TSs 6.8.4.i, "Steam Generator (SG) Program," TS 6.9.1.10, "Steam Generator Tube Inspection Report," and the bases section of 3/4.4.6, "Steam Generator (SG) Tube Integrity," to remove unnecessary information related to the original Salem Unit 2 Westinghouse steam generators.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented

below, along with NRC edits in square brackets:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Steam Generator (SG) Program to modify the frequency of verification of SG tube integrity and SG tube sample selection. A steam generator tube rupture (SGTR) event is one of the design basis accidents that are analyzed as part of a plant's licensing basis. The proposed SG tube inspection frequency and sample selection criteria will continue to ensure that the SG tubes are inspected such that the probability of a SGTR is not increased. The consequences of a SGTR are bounded by the conservative assumptions in the design basis accident analysis. The proposed change will not cause the consequences of a SGTR to exceed those assumptions.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the Salem Unit 2 Technical Specifications (TS) that are not associated with TSTF–510, removing unnecessary information related to W* [pronounced "W star," which refers to the length of the steam generator tube required to be inspected within the hot-leg tube sheet] that is only applicable to Westinghouse steam generators, is an administrative change that does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the Steam Generator Program will not introduce any adverse changes to the plant design basis or postulated accidents resulting from potential tube degradation. The proposed change does not affect the design of the SGs or their method of operation. In addition, the proposed change does not impact any other plant system or component.

The proposed changes to the Salem Unit 2 Technical Specifications (TS) that are not associated with TSTF–510, removing unnecessary information related to W* that is only applicable to Westinghouse steam generators, is an administrative change that does not affect the design of the SGs or their method of operation.

Therefore, it is concluded that these changes do not create the possibility of a new of different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The SG tubes in pressurized water reactors are an integral part of the reactor coolant pressure boundary and, as such, are relied upon to maintain the primary system's pressure and inventory. As part of the reactor coolant pressure boundary, the SG tubes are unique in that they are also relied upon as a heat transfer surface between the primary and secondary systems such that residual heat can be removed from the primary system. In addition, the SG tubes also isolate the radioactive fission products in the primary coolant from the secondary system. In summary, the safety function of a SG is maintained by ensuring the integrity of its tubes.

Steam generator tube integrity is a function of the design, environment, and the physical condition of the tube. The proposed change does not affect tube design or operating environment. The proposed change will continue to require monitoring of the physical condition of the SG tubes such that there will not be a reduction in the margin of safety compared to the current requirements.

The proposed changes to the Salem Unit 2 Technical Specifications (TS) that are not associated with TSTF–510, removing unnecessary information related to W* that is only applicable to Westinghouse steam generators, is an administrative change that does not involve a significant reduction in a margin of safety.

Therefore, it is concluded that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, PSEG Nuclear LLC—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: Meena K. Khanna.

South Carolina Electric and Gas Company Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: June 20, 2014, as supplemented by letter dated August 6, 2014. Publicly-available versions are in ADAMS under Accession Nos. ML14174B176 and ML14218A809.

Description of amendment request: The proposed license amendment request (LAR) would revise the Updated Final Safety Analysis Report (UFSAR) in regard to Tier 2* information related to fire area boundaries. These changes add three new fire zones in the middle annulus to provide enclosures for the Class 1E electrical containment penetrations in accordance with UFSAR Appendix 9A, Subsection 9A.3.1.1.15. The addition of the three new fire zones extended the fire area boundaries for three existing fire areas and, therefore, constitutes a change to Tier 2* information. Additionally, the licensee proposed changes that require revisions to UFSAR Tier 2 information involving changes to plant-specific Tier 2* information.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed middle annulus fire barrier reconfiguration for the electrical penetrations would not adversely affect any safety-related equipment or function. The modified configuration for the Class 1E electrical containment penetration enclosures will maintain the fire protection function (i.e., barrier) as evaluated in Updated Final Safety Analysis Report (UFSAR), thus, the probability of a Class 1E electrical containment penetration failure is not significantly increased. The safe shutdown fire analysis is not affected, and the fire protection analysis results are not adversely affected. The proposed changes do not involve any accident, initiating event or component failure; thus, the probabilities of previously evaluated accidents are not affected. The maximum allowable leakage rate specified in the Technical Specifications is unchanged, and radiological material release source terms are not affected; thus, the radiological releases in the accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The addition of enclosures constructed of three-hour rated fire barriers to separate the fire zones in the middle annulus for the Class 1E electrical penetration assemblies will maintain the fire protection function as evaluated in the UFSAR. The addition of the fire barriers does not affect the function of the Class 1E electrical containment penetrations or electrical penetration assemblies, and thus, does not introduce a new failure mode. The addition of the fire barriers does not create a new fault or sequence of events that could result in a radioactive material release.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The use of enclosures constructed of three-hour rated fire barriers to separate the fire zones in the middle annulus for the Class 1E electrical penetration assemblies will maintain the fire protection function as evaluated in the UFSAR. The use of the fire barriers does not affect the ability of the Class

1E electrical containment penetrations, electrical penetration assemblies, or the containment to perform their design function. The Class 1E electrical containment penetrations and electrical penetration assemblies within the enclosures continue to comply with the existing design codes and regulatory criteria, and do not affect any safety limit. The use of fire barriers and enclosures to separate the Class 1E electrical penetration assemblies does not adversely affect any margin of safety.

Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project (STP), Units 1 and 2, Matagorda County, Texas

Date of amendment request: May 15, 2014, as supplemented by letter dated July 10, 2014. Publicly-available versions are in ADAMS under Accession Nos. ML14164A341 and ML14282A185, respectively.

Description of amendment request: The amendment would update the Emergency Action Levels (EALs) used at STP, Units 1 and 2 from the current scheme based on Nuclear Management and Resources Council, Inc. (NUMARC)/Nuclear Environmental Studies Project (NESP) report NUMARC/NESP–007, Revision 2, "Methodology for Development of Emergency Action Levels," dated January 1992 (ADAMS Accession No. ML041120174), to the NRC-endorsed scheme contained in Nuclear Energy Institute (NEI) 99–01, Revision 6, "Development of Emergency Action Levels for Non-Passive Reactors," dated November 2012 (ADAMS Accession No. ML12326A805). The EAL scheme in NEI 99–01, Revision 6 includes an EAL for Independent Spent Fuel Storage Installations (ISFSI), which is needed in order to implement dry cask storage operations at STP Units 1 and 2. Additionally, there are three EALs that require Spent Fuel Pool level instrument values which are designed to address lessons learned from the Fukushima Dai-ichi accident.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequence of an accident previously evaluated?

Response: No.

The change revises the STPNOC [STP Nuclear Operating Company] Emergency Action Levels to be consistent with the NRC endorsed EAL scheme contained in NEI 99–01, Revision 6, "Methodology for Development of Emergency Action Levels," but does not alter any of the requirements of the Operating License or the Technical Specifications. In addition to replacing the current STP EALs, the new EAL scheme includes an EAL related to the planned STP Independent Spent Fuel Storage Installation, and EALs related to planned changes to the Spent Fuel Pool level instrumentation that will address lessons learned from Fukushima Daiichi. The proposed change does not modify any plant equipment and does not impact any failure modes that could lead to an accident. Additionally, the proposed change has no effect on the consequences of any analyzed accident since the change does not affect any equipment related to accident mitigation. Based on this discussion, the proposed amendment does not increase the probability or consequence of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The change revises the STPNOC Emergency Action Levels to be consistent with the NRC endorsed EAL scheme contained in NEI 99–01, Revision 6, "Methodology for Development of Emergency Action Levels," but does not alter any of the requirements of the Operating License or the Technical Specifications. In addition to replacing the current STP EALs, the new EAL scheme includes an EAL related to the planned STP Independent Spent Fuel Storage Installation, and EALs related to planned changes to the Spent Fuel Pool level instrumentation that will address lessons learned from Fukushima Daiichi. The proposed change does not modify any plant equipment and there is no impact on the capability of the existing equipment to perform their intended functions. No system setpoints are being modified. No new failure modes are introduced by the proposed change. The proposed amendment does not introduce any accident initiators or malfunctions that would cause a new or different kind of accident. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The change revises the STPNOC Emergency Action Levels to be consistent with the NRC endorsed EAL scheme contained in NEI 99–01, Revision 6, "Methodology for Development of Emergency Action Levels," but does not alter any of the requirements of the Operating License or the Technical Specifications. In addition to replacing the current STP EALs, the new EAL scheme includes an EAL related to the planned STP Independent Spent Fuel Storage Installation, and EALs related to planned changes to the Spent Fuel Pool level instrumentation that will address lessons learned from Fukushima Daiichi. The proposed change does not affect any of the assumptions used in the accident analysis, nor does it affect any operability requirements for equipment important to plant safety. Therefore, the proposed change will not result in a significant reduction in the margin of safety in operation of the facility as discussed in this license amendment request.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: A. H. Gutterman, Esq., Morgan, Lewis & Bockius, 1111 Pennsylvania Avenue NW., Washington, DC 20004.

NRC Branch Chief: Michael T. Markley.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental

impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

Duke Energy Progress, Inc., Docket No. 50–261, H. B. Robinson Steam Electric Plant (HBRSEP), Unit 2, Darlington County, South Carolina

Date of application for amendment: September 30, 2013, as supplemented by letter dated August 6, 2014.

Brief description of amendment: The amendment implements the NRC-approved Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF–491, "Removal of Main Steam and Main Feedwater Valve Isolation Times from Technical Specifications," via the Consolidated Line Item Improvement Process. This amendment modifies the current Technical Specifications (TSs) 3.7.2, Main Steam Isolation Valves and 3.7.3, Main Feedwater Isolation Valves, Main Feedwater Regulation Valves and Bypass Valves by relocating the specific isolation time for the isolation valves from the associated Surveillance Requirements (SRs). The isolation time in the TS SRs is replaced with the requirement to verify the valve isolation time is "within limits." The specific isolation times will be maintained in the HBRSEP, Unit 2, Technical Requirements Manual.

Date of issuance: October 10, 2014.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 237. A publicly-available version is in ADAMS under Accession No. ML14252A221; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–23. Amendment revised the Facility Operating License and TSs.

Date of initial notice in ***Federal Register****:* December 10, 2013 (78 FR 74180). The supplemental letter dated August 6, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 10, 2014.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: May 1, 2014, as supplemented by letter dated August 21, 2014.

Brief description of amendment: The amendment revises Technical Specification 2.0, "Safety Limits (SLs)," by changing the safety limit minimum critical power ratio for both single and dual recirculation loop operation.

Date of issuance: September 30, 2014.

Effective date: As of the date of issuance, and shall be implemented within [30] days.

Amendment No.: 307. A publicly-available version is in ADAMS under Accession No. ML14258B201; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–59: The amendment revised the License and the Technical Specifications.

Date of initial notice in ***Federal Register****:* August 5, 2014 (79 FR 45487). The supplemental letter dated August 21, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration (NSHC) determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment and final NSHC determination is contained in a Safety Evaluation dated September 30, 2014.

No significant hazards consideration comments received. No.

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station (LSCS), Units 1 and 2, LaSalle County, Illinois

Date of amendment request: September 20, 2013, as supplemented by letter dated June 30, 2014.

Brief description of amendment: The amendment revised the LSCS, Units 1 and 2, allowable values for the loss of voltage relay voltage setpoints in Technical Specification Table 3.3.8.1–1, "Loss of Power Instrumentation."

Date of issuance: September 29, 2014.

Effective date: As of the date of issuance. For LSCS Unit 1, the amendment shall be implemented prior to entering MODE 4 following the spring 2016 refueling outage (L1R16). For LSCS, Unit 2, the amendment shall be implemented prior to entering MODE 4 following the spring 2015 refueling outage (L2R15).

Amendment No.: 209 and 196. A publicly-available version is in ADAMS under Accession No. ML14252A913; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License Nos. NPF–11 and NPF–18: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* December 10, 2013 (78 FR 74182). The supplemental letter dated June 30, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 29, 2014.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit (TMI–1), Dauphin County, Pennsylvania

Date of application for amendment: May 7, 2014.

Brief description of amendment: The amendment revises Technical Specification (TS) Surveillance Requirements (SRs) 4.12.1, "Emergency Control Room Air Treatment System," and 4.12.4, "Fuel Handling Building [Engineered Safety Feature] ESF Air Treatment System." The amendment revised the TSs to replace the existing SRs to operate ventilation systems with charcoal filters for a 10-hour period at a frequency controlled in accordance with the Surveillance Frequency Control Program (SFCP) with a requirement to operate the systems for greater than or equal to 15 continuous minutes at a frequency controlled in accordance with the SFCP. These changes are consistent with Technical Specification Task Force (TSTF) Traveler TSTF–522, Revision 0, "Revise Ventilation System Surveillance Requirements to Operate for 10 hours per Month."

Date of issuance: October 14, 2014.

Effective date: As of its date of issuance, and shall be implemented within 60 days.

Amendment No.: 282. A publicly-available version is in ADAMS under Accession No. ML14240A348; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–50: Amendment revised the license and the technical specifications.

Date of initial notice in ***Federal Register***: August 5, 2014 (79 FR 45476).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 14, 2014.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant (CNP), Units 1 and 2, Berrien County, Michigan

Date of amendment requests: April 9, 2014, as supplemented by letter dated August 15, 2014.

Brief description of amendments: The amendments revised the CNP Technical Specifications (TSs) 3.4.3, "[Reactor Coolant System] RCS Pressure and Temperature Limits." The changes to TSs clarify that pressure limits are considered to be met for pressures that are below 0 psig (i.e., up to and including full vacuum conditions). Vacuum fill operations for the RCS can result in system pressures below 0 psig.

Date of issuance: October 1, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 323 (Unit 1) and 306 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML14259A549; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revise the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register***: July 8, 2014 (79 FR 38591). The supplemental letter dated August 15, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 1, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: April 18, 2014, as supplemented by the letter dated July 30, 2014.

Brief description of amendment: The license amendment revises the Updated Final Safety Analysis Report (UFSAR) in regard to Tier 2* information related to fire area boundaries. These changes add three new fire zones in the middle annulus to provide enclosures for the Class 1E electrical containment penetrations in accordance with UFSAR Appendix 9A, Subsection 9A.3.1.1.15. Additionally, the license amendment revises UFSAR Tier 2 information involving changes to plant-specific Tier 2* information.

Date of issuance: October 8, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 25. A publicly-available version is in ADAMS under Accession No. ML14248A243; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register***: May 27, 2014 (79 FR 30189).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 8, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: March 27, 2014, as supplemented by the letter dated July 23, 2014.

Brief description of amendment: The amendment revises the VEGP Units 3 and 4 Emergency Plan and changes the combined licenses (COL), Appendix C, plant-specific emergency planning inspections, tests, analyses, and acceptance criteria (ITAAC) to reflect the relocation of the Operations Support Centers and changes the description of the plant monitoring system.

Date of issuance: October 7, 2014

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 24. A publicly-available version is in ADAMS under Accession No. ML14245A075; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register***: May 13, 2014 (79 FR 27345).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 7, 2014.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 29, 2014. A redacted version was provided by letter dated May 27, 2014.

Brief description of amendment: The amendments revised the Cyber Security Plan Implementation Milestone No. 8 completion date and the physical protection license condition.

Date of issuance: September 29, 2014.

Effective date: As of its date of issuance and shall be implemented within 60 days.

Amendment Nos.: Unit 1–333 and Unit 2–326. A publicly-available version is in ADAMS under Accession No. ML14245A179; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–77 and DPR–79. The amendments revised the Operating License.

Date of initial notice in ***Federal Register***: July 8, 2014 (79 FR 38582). The supplemental letter dated May 27, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 29, 2014.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant (SQN), Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 29, 2014. A redacted version was provided by letter dated May 27, 2014.

Brief description of amendment: The amendments revised the Cyber Security Plan Implementation Milestone No. 8 completion date and the physical protection license condition.

Date of issuance: September 29, 2014.

Effective date: As of its date of issuance and shall be implemented within 60 days.

Amendment Nos.: Unit 1–333 and Unit 2–326. A publicly-available version is in ADAMS under Accession No. ML14245A179; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–77 and DPR–79. The amendments revised the Operating License.

Date of initial notice in ***Federal Register***: July 8, 2014 (79 FR 38582). The supplemental letter dated May 27, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 29, 2014.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390 Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of amendment request: April 29, 2014, as supplemented by letter dated May 27, 2014.

Brief description of amendment: The amendment revised the Cyber Security Plan Implementation Milestone No. 8 completion date and the physical protection license condition.

Date of issuance: September 29, 2014.

Effective date: As of its date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 97. A publicly-available version is in ADAMS under Accession No. ML14255A152; documents related to this amendment are listed in the Safety Evaluation (SE) enclosed with the amendment.

Facility Operating License No. NPF–90. Amendment revised the Operating License.

Date of initial notice in ***Federal Register***: July 8, 2014 (79 FR 38581). The supplemental letter dated May 27, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in the SE dated September 29, 2014.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 16th day of October 2014.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–25357 Filed 10–27–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of October 27, November 3, 10, 17, 24, December 1, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of October 27, 2014

Wednesday, October 29, 2014

9:00 a.m. Briefing on Security Issues (Closed—Ex. 1)

1:30 p.m. Briefing on Security Issues (Closed—Ex. 1)

Thursday, October 30, 2014

9:00 a.m. Briefing on Watts Bar Unit 2 License Application Review (Public Meeting) (Contact: Justin Poole, 301–415–2048)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/* .

Week of November 3, 2014—Tentative

Wednesday, November 5, 2014

1:00 p.m. Briefing on Small Modular Reactors (Public Meeting) (Contact: Rollie D. Berry, III, 301–415–8162)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/* .

Week of November 10, 2014—Tentative

Thursday, November 13, 2014

9:30 a.m. Strategic Programmatic Overview of the Nuclear Material Users and the Fuel Facilities Business Lines (Public Meeting) (Contact: Cinthya Roman, 301–287–9091)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/* .

1:30 p.m. Discussion of Management and Personnel Issues (Closed—Ex. 2 and 6)

Week of November 17, 2014—Tentative

Thursday, November 20, 2014

9:30 a.m. Briefing on Project Aim 2020 (Closed—Ex. 2)

Week of November 24, 2014—Tentative

There are no meetings scheduled for the week of November 24, 2014.

Week of December 1, 2014—Tentative

There are no meetings scheduled for the week of December 1, 2014.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at (301) 415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov* . Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov.*

Dated: October 23, 2014.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–25721 Filed 10–24–14; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8943–MLA–2; ASLBP No. 13–926–01–MLA–BD01]

Crow Butte Resources, Inc. (Marsland Expansion Area); Memorandum and Order (Order to Show Cause)

October 22, 2014.

Atomic Safety and Licensing Board Panel

Before the Licensing Board: G. Paul Bollwerk, III, Chairman, Dr. Richard E. Wardwell, Dr. Thomas J. Hirons.

The Atomic Safety and Licensing Board hereby directs intervenor Oglala Sioux Tribe (OST) to show cause as to why this litigation should not be dismissed for want of prosecution.

The locus of this case is a challenge by OST to a May 2012 application by Crow Butte Resources, Inc., (CBR) to amend CBR's existing 10 CFR part 40 source materials license to operate a satellite in situ uranium recovery facility on the Marsland Expansion Area (MEA) site. OST was admitted as an intervenor to this proceeding in May 2013, with the Licensing Board finding that OST had established standing and submitted two admissible contentions. *See* LBP–13–6, 77 NRC 253, 304–05 (2013), *aff'd*, CLI–14–02, 79 NRC 11, 14 (2014). Thereafter, in June 2013 CBR and the Nuclear Regulatory Commission (NRC) staff lodged appeals with the Commission contesting the Board's standing and contention admissibility determinations. *See* [CBR] Notice of Appeal of LBP–13–06 (June 4, 2013); NRC Staff's Notice of Appeal of LBP–13–6, Licensing Board's Order of May 10, 2013, and Accompanying Brief (June 4, 2013). Although OST filed no answer in response to the staff and CBR appeals, the Commission upheld the Board's standing and contention admissibility rulings. *See* CLI–14–02, 79 NRC at 14.

OST's two admitted contentions challenged information provided by CBR in its environmental report (ER) document submitted in support of CBR's license amendment application. OST contention 1, which is entitled "Failure to Meet Applicable Legal Requirements Regarding Protection of Historical and Cultural Resources," seeks to challenge the discussion of affected historic and cultural resources in the CBR ER. *See* LBP–13–6, 77 NRC at 306. On June 30, 2014, the staff issued its draft environmental assessment (EA) regarding potential impacts to cultural resources in the MEA site. *See* [CBR] Proposed [MEA] NRC Documentation of the NHPA Section 106 Review (Draft Cultural Resources Sections of [EA]) 1 (June 30, 2014) (ADAMS Accession No. ML14176B129). With the issuance of this document, the schedule previously established by the Board for filing any new or amended contentions relative to that document was activated. *See* Licensing Board Memorandum and Order (Revised General Schedule) (Aug. 8, 2014) at 1–2 (unpublished) [hereinafter Revised General Schedule]. OST, however, failed to submit any new or amended contentions relative to the draft EA, after which the Board outlined the schedule for party dispositive motions and responsive pleadings regarding OST contention 1. *See id.* at 2.

In accord with that filing schedule, the staff submitted a motion for summary disposition of OST contention 1, and CBR filed a response in support of the staff's motion. *See* NRC Staff's Motion for Summary Disposition of Contention 1 (Aug. 6, 2014) [hereinafter Staff Contention 1 Dispositive Motion]; [CBR] Response in Support of NRC Staff Motion for Summary Disposition of Contention 1 (Aug. 18, 2014). OST, however, failed to answer either filing. On October XX, 2014, the Board granted the staff's summary disposition request and dismissed OST contention 1. *See* Licensing Board Memorandum and Order (Ruling on Motion for Summary Disposition Regarding Oglala Sioux Tribe Contention 1) (Oct. 22, 2014) at 2 (unpublished). As a consequence, only one issue statement, OST contention 2, which bears the title "Failure to Include Adequate Hydrogeological Information to Demonstrate Ability to Contain Fluid Migration," *see* LBP–13–6, 77 NRC at 306, remains active in this case.[1]

OST last submitted a filing in this proceeding on September 10, 2013. *See* [OST's] Initial Mandatory Disclosures (Sept. 10, 2013). As far as the Board is aware, the most recent contact with OST counsel came in the context of the recent summary disposition filings. According to the staff, in seeking to fulfill the staff's responsibility under 10 CFR 2.323(b) to consult with OST before filing its dispositive motion regarding OST contention 1, the staff was able to reach Ms. Cindy Gillis, counsel for OST,[2] but she informed the staff that they "should contact the in-house counsel for the Tribe." Staff Contention 1 Dispositive Motion at 1 n.2. The staff reports it made several attempts to reach OST in-house counsel, albeit without success, and that a further email to Ms. Gillis went unanswered. *See id.*

Despite the opportunity to make a filing before the Commission regarding the CBR and staff standing and contention admissibility appeals and before the Board in response to the staff's draft EA cultural resources sections or the staff's motion for summary disposition of OST contention 1, all arguably significant matters in this proceeding, OST failed to provide a submission of any kind. Indeed, OST has made no filing in this proceeding in over a year. It thus appears to the Board that OST does not have any interest in further pursuing this litigation.

As a consequence, the Board hereby gives notice that, absent some response from OST within thirty days of the date of publication of this issuance in the **Federal Register** that demonstrates a continued interest in this cause, the Board will dismiss OST contention 2 and terminate this proceeding.[3] Applicant CBR and the staff likewise are permitted to file a response to this issuance within that time frame if either wishes to do so.

It is so *ordered*.

For the Atomic Safety and Licensing Board.

Dated: Rockville, Maryland, October 22, 2014.

G. Paul Bollwerk, III,

Chairman, Administrative Judge.

[FR Doc. 2014–25643 Filed 10–27–14; 8:45 am]

BILLING CODE 7590–01–P

[1] Based on the current staff review schedule for the CBR application that calls for issuance of the staff's final environmental document on or about July 31, 2015, an evidentiary hearing regarding OST contention 2 is scheduled for May/June 2016. *See* Revised General Schedule app. A, at 1, 3.

[2] Having filed a notice of appearance, *see* Notice of Appearance (Jan. 29, 2013), and apparently not having submitted a notice of withdrawal, as far as the Board is aware Ms. Waonsilawin Cindy Gillis remains OST's attorney of record for this proceeding.

[3] As the Commission noted in its ruling affirming the Board's standing and contention admissibility rulings, pursuant to 10 CFR § 2.320, "the Tribe's failure to pursue a contention in the future could result in (among other things) dismissal of the contention." CLI–14–2, 79 NRC at 14 & n.10.

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–2 and CP2015–4; Order No. 2221]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Express and Priority Mail Contract 16 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 29, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a formal request and associated supporting information to add Priority Mail Express & Priority Mail Contract 16 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–2 and CP2015–4 to consider the Request pertaining to the proposed Priority Mail Express & Priority Mail Contract 16 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than October 29, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

[1] Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 16 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, October 21, 2014 (Request).

The Commission appoints Curtis E. Kidd to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–2 and CP2015–4 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than October 29, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–25496 Filed 10–27–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2012–22; Order No. 2219]

Amendment to Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning amending the existing Parcel Select & Parcel Return Service Contract 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 29, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On October 20, 2014, the Postal Service filed notice that it has agreed to an Amendment to the existing Parcel Select & Parcel Return Service Contract 3 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the Amendment and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted Amendment and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.*

The Amendment seeks to adjust prices and terms contained in the Parcel Select & Parcel Return Service Contract 3 in a manner contemplated in and consistent with the original contract's terms, which account for changes in costs while maintaining the contract's ability to meet the requirements of 39 U.S.C. 3633(a). Specifically, the Amendment revises the contract terms to include certain Parcel Select Service destination sectional center facility (DSCF) 3-digit and other pieces, resulting in a modification of contract rates in accordance with the annual adjustment calculations (of Table 1a in section I.D., and section I.E.). *Id.* Attachment A at 1–3.

The Postal Service intends for the Amendment to become effective one business day after the date that the Commission completes its review of the Notice. *Id.* The Postal Service asserts that the Amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.* Attachment B.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than October 29, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints James F. Callow to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2012–22 for consideration of matters raised by the Postal Service's Notice.

[1] Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Parcel Select & Parcel Return Service Contract 3, October 20, 2014 (Notice).

2. Pursuant to 39 U.S.C. 505, the Commission appoints James F. Callow to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than October 29, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–25495 Filed 10–27–14; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31302; 812–14332]

Angel Oak Funds Trust and Angel Oak Capital Advisors, LLC; Notice of Application

October 22, 2014.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

Summary of Application: Applicants request an order that would permit them to enter into and materially amend sub-advisory agreements ("Sub-Advisory Agreements") without shareholder approval and that would grant relief from certain disclosure requirements.

Applicants: Angel Oak Funds Trust (the "Trust") and Angel Oak Capital Advisors, LLC (the "Adviser").

Filing Dates: The application was filed July 15, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 17, 2014, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, One Buckhead Plaza, 3060 Peachtree Road NW., Suite 500, Atlanta, GA 30305.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust, a Delaware statutory trust, is registered under the Act as an open-end management investment company. The Trust is organized as a series trust and currently consists of one series.[1]

2. The Adviser is a limited liability company organized under Delaware law. The Adviser is, and any future Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act"). The Adviser will serve as the investment adviser to the Initial Fund pursuant to an investment advisory agreement with the Trust (the "Advisory Agreement").[2] The Advisory Agreement was or will have been approved by a Fund's board of trustees (the "Board"), including a majority of the trustees who are not "interested persons," as defined in section 2(a)(19) of the Act, of the Trust, the Fund, or the Adviser ("Independent Trustees"), and by the Fund's shareholders in the manner required by sections 15(a) and 15(c) of the Act and rule 18f–2 under the Act. The terms of the Advisory Agreement will comply with section 15(a) of the Act. Applicants are not seeking any exemption from the provisions of the Act with respect to the Advisory Agreement.

3. Under the terms of the Advisory Agreement, the Adviser will provide a Fund with overall investment management services and will continuously review, supervise and administer each Fund's investment program, subject to the supervision of, and policies established by the Board. For the investment management services it will provide to a Fund, the Adviser will receive the fee specified in the Advisory Agreement from that Fund based on the average daily net assets of the Fund.

4. The Advisory Agreement will permit the Adviser, subject to the approval of the Board, to delegate certain responsibilities to one or more sub-advisers ("Sub-Advisers").[3] The Adviser currently intends to delegate certain day-to-day portfolio management responsibilities for all or a portion of the assets of a Fund to one or more Sub-Advisers, subject to the approval of the Board. The Adviser will evaluate, allocate assets to, and oversee the Sub-Advisers, and will make recommendations about their hiring, termination and replacement to the Board, at all times subject to the authority of the Board. The Adviser will compensate the Sub-Advisers out of the advisory fee paid by the Funds to the Adviser under the Advisory Agreement.

5. Applicants request an order to permit the Adviser, subject to Board approval, to select certain Sub-Advisers to manage all or a portion of the assets of a Fund or Funds pursuant to a Sub-Advisory Agreement, and materially amend existing Sub-Advisory Agreements without obtaining shareholder approval. The requested relief will not extend to any Sub-Adviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund, or the Adviser, other than by reason of serving as a sub-adviser to one or more of the Funds ("Affiliated Sub-Adviser").

[1] Applicants request relief with respect to any existing and any future series of the Trust or any other registered open-end management company that: (a) Is advised by the Adviser or its successor or by a person controlling, controlled by, or under common control with the Adviser or its successor (each, also an "Adviser"); (b) uses the manager of managers structure described in the application ("Manager of Managers Structure"); and (c) complies with the terms and conditions of the requested order (any such series, a "Fund" and collectively, the "Funds"). The only existing registered open-end management investment company that currently intends to rely on the requested order is named as an applicant, and the only series that currently intends to rely on the requested order as a Fund is the Angel Oak Flexible Income Fund ("Initial Fund"). For purposes of the requested order, "successor" is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. If the name of any Fund contains the name of a Sub-Adviser (as defined below), that name will be preceded by the name of the Adviser.

[2] "Advisory Agreement" includes advisory agreements with an Adviser for the Initial Fund and any future Funds.

[3] Each Sub-Adviser will be an investment adviser as defined in section 2(a)(20) of the Act and registered, or not subject to registration, under the Advisers Act.

6. Applicants also request an order exempting the Funds from certain disclosure provisions described below that may require the Funds to disclose fees paid by the Adviser to each Sub-Adviser. Applicants seek an order to permit a Fund to disclose (as both a dollar amount and a percentage of the Fund's net assets): (a) The aggregate fees paid to the Adviser and any Affiliated Sub-Adviser; and (b) the aggregate fees paid to Sub-Advisers other than Affiliated Sub-Advisers (collectively, "Aggregate Fee Disclosure"). Any Fund that employs an Affiliated Sub-Adviser will provide separate disclosure of any fees paid to the Affiliated Sub-Adviser.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation.

3. Rule 20a–1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 ("1934 Act"). Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the "rate of compensation of the investment adviser," the "aggregate amount of the investment adviser's fees," a description of the "terms of the contract to be acted upon," and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Regulation S–X under the Securities Act of 1933 sets forth the requirements for financial statements required to be included as part of a registered investment company's registration statement and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require a registered investment company to include in its financial statement information about investment advisory fees.

5. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

6. Applicants assert that the shareholders expect the Adviser, subject to the review and approval of the Board, to select the Sub-Advisers who are best suited to achieve each Fund's investment objectives. Applicants assert that, from the perspective of the shareholder, the role of the Sub-Advisers is substantially equivalent to that of the individual portfolio managers employed by traditional investment company advisory firms. Applicants state that requiring shareholder approval of each Sub-Advisory Agreement would impose unnecessary delays and expenses on the Funds and may preclude the Funds from acting promptly when the Adviser and Board consider it appropriate to hire Sub-Advisers or amend Sub-Advisory Agreements. Applicants note that the Advisory Agreements and any Sub-Advisory Agreements with Affiliated Sub-Advisers will remain subject to the shareholder approval requirements of section 15(a) of the Act and rule 18f–2 under the Act.

7. If a new Sub-Adviser is retained in reliance on the requested order, the applicable Fund will inform its shareholders of the hiring of a new Sub-Adviser pursuant to the following procedures ("Modified Notice and Access Procedures"): (a) Within 90 days after a new Sub-Adviser is hired for a Fund, the Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement;[4] and (b) the Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days. Applicants assert that a proxy solicitation to approve the appointment of new Sub-Advisers would provide no more meaningful information to shareholders than the proposed Multi-manager Information Statement. Moreover, as indicated above, the applicable Board would comply with the requirements of sections 15(a) and 15(c) of the Act before entering into or amending Sub-Advisory Agreements.

8. Applicants assert that the requested disclosure relief will benefit shareholders of the Funds because it will improve the Adviser's ability to negotiate the fees paid to Sub-Advisers. Applicants state that the Adviser may be able to negotiate rates that are below a Sub-Adviser's "posted" amounts if the Adviser is not required to disclose the Sub-Adviser's fees to the public.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the order requested in the application, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or, in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering the Fund's shares to the public.

2. The prospectus for each Fund will disclose the existence, substance, and effect of any order granted pursuant to the application. Each Fund will hold itself out to the public as employing the Manager of Managers Structure described in the application. The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Sub-Advisers and recommend their hiring, termination, and replacement.

3. The Funds will inform shareholders of the hiring of a new Sub-Adviser (other than an Affiliated Sub-

[4] A "Multi-manager Notice" will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the 1934 Act, and specifically will, among other things: (a) Summarize the relevant information regarding the new Sub-Adviser; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Fund. A "Multi-manager Information Statement" will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the 1934 Act for an information statement, except as modified by the requested order to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed electronically with the Commission via the EDGAR system.

Adviser) within 90 days after the hiring of that new Sub-Adviser pursuant to the Modified Notice and Access Procedures.

4. The Adviser will not enter into a Sub-Advisory Agreement with any Affiliated Sub-Adviser without that agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the nomination and selection of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. When a Sub-Adviser change is proposed for a Fund with an Affiliated Sub-Adviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Adviser or the Affiliated Sub-Adviser derives an inappropriate advantage.

7. Independent legal counsel, as defined in rule 0–1(a)(6) under the Act, will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then existing Independent Trustees.

8. Each Adviser will provide the Board, no less frequently than quarterly, with information about the profitability of the Adviser on a per-Fund basis. The information will reflect the impact on profitability of the hiring or termination of any Sub-Adviser during the applicable quarter.

9. Whenever a Sub-Adviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

10. The Adviser will provide general management services to a Fund, including overall supervisory responsibility for the general management and investment of the Fund's assets and, subject to review and approval of the Board, will (i) set a Fund's overall investment strategies; (ii) evaluate, select and recommend Sub-Advisers to manage all or part of a Fund's assets; (iii) when appropriate, allocate and reallocate a Fund's assets among multiple Sub-Advisers; (iv) monitor and evaluate the performance of Sub-Advisers; and (v) implement procedures reasonably designed to ensure that the Sub-Advisers comply with a Fund's investment objective, policies and restrictions.

11. No trustee or officer of the Trust, or of a Fund, or director or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Sub-Adviser, except for (i) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser; or (ii) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either a Sub-Adviser or an entity that controls, is controlled by, or is under common control with a Sub-Adviser.

12. Each Fund will disclose in its registration statement the Aggregate Fee Disclosure.

13. Any new Sub-Advisory Agreement or any amendment to an existing Advisory Agreement or Sub-Advisory Agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Fund will be submitted to the Fund's shareholders for approval.

14. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25549 Filed 10–27–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–3957/803–00221]

Ares Real Estate Management Holdings, LLC; Notice of Application

October 22, 2014.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an exemptive order under Section 206A of the Investment Advisers Act of 1940 (the "Advisers Act") and Rule 206(4)–5(e).

Applicant: Ares Real Estate Management Holdings, LLC (formerly known as AREA Management Holdings, LLC) ("Applicant").

Relevant Advisers Act Sections: Exemption requested under section 206A of the Advisers Act and rule 206(4)–5(e) from rule 206(4)–5(a)(1) under the Advisers Act.

SUMMARY OF APPLICATION: Applicant requests that the Commission issue an order under section 206A of the Advisers Act and rule 206(4)–5(e) exempting it from rule 206(4)–5(a)(1) under the Advisers Act to permit Applicant to receive compensation for investment advisory services provided to a government entity within the two-year period following a contribution by a covered associate of Applicant to an official of the government entity.

FILING DATES: The application was filed on December 23, 2013, and amended and restated applications were filed on April 28, 2014, and July 15, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 17, 2014, and should be accompanied by proof of service on Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Advisers Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicant, Ares Real Estate Management Holdings, LLC, c/o Michael Weiner, 2000 Avenue of the Stars, Los Angeles, CA 90067.

FOR FURTHER INFORMATION CONTACT: Brian McLaughlin Johnson, Senior Counsel, or Melissa R. Harke, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site either at *http://www.sec.gov/rules/iareleases.shtml* or 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.

Applicant's Representations

1. Applicant is a limited liability company organized in Delaware and registered with the Commission as an investment adviser under the Advisers

Act.[1] Applicant serves as investment adviser to several real estate-focused private investment funds (the "Funds") in which one of the investors is a Colorado public pension plan (the "Client"). The investment decisions for the Client are overseen by a board of trustees composed of eleven members, three of whom are appointed by the Governor of Colorado.

2. On or about February 11, 2013, Lee Neibart, a senior management executive and senior partner of the Applicant (the "Contributor"), made a contribution of $1,100 (the "Contribution") to the campaign of John Hickenlooper, the Governor of Colorado (the "Official"). Applicant represents that the amount of the Contribution, profile of the candidate, and characteristics of the campaign fall generally within the pattern of the Contributor's other political donations.

3. Applicant represents that the Contributor has confirmed that he has not, at any time, had any contact with the Official regarding the Client's investment activities with the Applicant, or otherwise met or spoken with or otherwise communicated with the Official.

4. Applicant represents that the Client's relationship with the applicant pre-dates the Contribution and that no investments were made by the Client in the Funds after the Contribution. The Client made its first investment in the Funds in 1996, and made its most recent investment in the Funds in 2007, almost six years before the Contribution was made and three years before the Official was first elected as Governor. Applicant represents that all of the Funds in which the Client is an investor are commingled closed-end funds (*i.e.*, funds with multiple institutional investors) and, accordingly, the Funds' investors, including the Client, do not have the ability to withdraw or redeem capital. Applicant represents that the investors' investment capital is committed at the time of subscription and effectively locked-in for the duration of a Fund's term to maturity. Applicant represents that each of the Funds in which the Client is an investor is "fully drawn" and in varying stages of liquidation. Applicant represents, based on these considerations, that the Client has not had any investment decisions to consider with respect to the Funds since the Client's last investment commitment in 2007.

5. Applicant represents that, based on Applicant's general knowledge and representations from the Client subsequent to 2007, Applicant generally understood that the Client did not have investment capital available for additional investments in either the Funds or any new real estate-focused investments managed by Applicant. Applicant represents that, as a result, neither the Applicant nor the Contributor has engaged in any investment solicitation of the Client since the Client's last investment commitment in 2007. Applicant further represents that, at the time of the Contribution, the Contributor did not plan to solicit the Client (or any other government entity for which the Official is an "official" as defined in rule 206(4)–5) for any other investments, and the Applicant did not have any intention to solicit the Client (or any other government entity for which the Official is an "official" as defined in rule 206(4)–5) for any other investments.

6. Applicant represents that the Contributor's role with the Client was limited to making substantive presentations to the Client's representatives regarding the investment strategies of the Funds and that the Contributor had no contact with any representative of the Client outside of those presentations, and no contact with any member of the Client's board.

7. Applicant represents that at no time did the Applicant or any employees of the Applicant other than the Contributor have any knowledge of the Contribution prior to its discovery by Ares's Compliance Department in July 2013. Applicant represents that the Contribution was discovered by Ares' Compliance Department through the Contributor's voluntary disclosure in response to a political contribution questionnaire, and that the Contributor obtained a full refund of the Contribution within one week after the Contribution was discovered. Applicant represents that it established an escrow account for the benefit of the Client and deposited an amount equal to the sum of all fees paid to the Applicant with respect to the Client's investments in the Funds since the date of the Contribution. Applicant represents that additional fees with respect to the Client's investments in the Funds accruing in favor of the Applicant will continue to be deposited in the escrow account until it is determined whether exemptive relief will be granted to the Applicant, which amounts will be immediately returned to the Client should an exemptive order not be granted.

8. Applicant represents that at all relevant times it had compliance procedures requiring pre-clearance and reporting of all of its employees' proposed political contributions and that these procedures have been more restrictive than is required under rule 206(4)–5. Applicant represents that all contributions to state and local office incumbents and candidates are subject to pre-clearance and that there are no exceptions for *de minimis* contributions. Applicant represents that its employees are reminded periodically during the year of these procedures and that all employees are required to certify their compliance on a periodic basis; a request for a contribution like the Contribution would have been rejected under the procedures. Applicant represents that the Contributor was aware of (and otherwise in compliance with) the procedures but, because neither the Applicant nor the Contributor had solicited any investments in the Funds from the Client or the State of Colorado since 2007, the Contributor failed to appreciate that the Contribution was subject to the procedures.

9. After learning of the contribution, Applicant represents that it has taken steps designed to limit the Contributor's contact with representatives of the Client. Applicant represents that the Contributor was informed that he could not solicit new investment commitments from the Client and that his communications with the Client with respect to the Funds should be limited to responding to inquiries from the Client's representatives and consultants with respect to the status of the Funds' investment portfolios. Applicant represents that the Contributor has been directed to maintain a log of such interactions in accordance with the retention requirements set forth in rule 204–2(e).

Applicant's Legal Analysis

1. Rule 206(4)–5(a)(1) under the Advisers Act prohibits a registered investment adviser from providing investment advisory services for compensation to a government entity within two years after a contribution to an official of the government entity is made by the investment adviser or any covered associate of the investment adviser. The Client is a "government entity," as defined in rule 206(4)–5(f)(5), the Contributor is a "covered associate" as defined in rule 206(4)–5(f)(2), and the Official is an "official" as defined in rule 206(4)–5(f)(6). Rule 206(4)–5(c)

[1] In May of 2013, Applicant entered into an agreement with Ares Management LLC ("Ares") pursuant to which Ares agreed to acquire 100% ownership of the Applicant (the "Acquisition"). The Acquisition closed in July 2013. After the Acquisition closed, Applicant became an indirect wholly-owned subsidiary of Ares and Applicant's name was changed from "AREA Management Holdings, LLC" to "Ares Real Estate Management Holdings, LLC."

provides that when a government entity invests in a covered investment pool, the investment adviser to that covered investment pool is treated as providing advisory services directly to the government entity. The Funds are "covered investment pools," as defined in rule 206(4)–5(f)(3)(ii).

2. Section 206A of the Advisers Act grants the Commission the authority to "conditionally or unconditionally exempt any person or transaction . . . from any provision or provisions of [the Advisers Act] or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of [the Advisers Act]."

3. Rule 206(4)–5(e) provides that the Commission may exempt an investment adviser from the prohibition under Rule 206(4)–5(a)(1) upon consideration of the factors listed below, among others:

(1) Whether the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act;

(2) Whether the investment adviser: (i) Before the contribution resulting in the prohibition was made, adopted and implemented policies and procedures reasonably designed to prevent violations of the rule; and (ii) prior to or at the time the contribution which resulted in such prohibition was made, had no actual knowledge of the contribution; and (iii) after learning of the contribution: (A) Has taken all available steps to cause the contributor involved in making the contribution which resulted in such prohibition to obtain a return of the contribution; and (B) has taken such other remedial or preventive measures as may be appropriate under the circumstances;

(3) Whether, at the time of the contribution, the contributor was a covered associate or otherwise an employee of the investment adviser, or was seeking such employment;

(4) The timing and amount of the contribution which resulted in the prohibition;

(5) The nature of the election (e.g., federal, state or local); and

(6) The contributor's apparent intent or motive in making the contribution which resulted in the prohibition, as evidenced by the facts and circumstances surrounding such contribution.

4. Applicant requests an order pursuant to section 206A and rule 206(4)–5(e), exempting it from the two-year prohibition on compensation imposed by rule 206(4)–5(a)(1) with respect to investment advisory services provided to the Client within the two-year period following the Contribution.

5. Applicant submits that the exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further submits that the other factors set forth in rule 206(4)–5(e) similarly weigh in favor of granting an exemption to the Applicant to avoid consequences disproportionate to the violation.

6. Applicant states that the Client first determined to invest in the Funds advised by the Applicant over fifteen years before the Contribution was made, and established and maintains its relationships with the Applicant on an arms'-length basis free from any improper influence as a result of the Contribution. In support of this argument, Applicant states that the most recent investment commitment in the Funds was made by the Client in 2007; due to the locked-in nature of the Client's investment capital in the Funds and the fact that the Funds are fully funded, the Client had no current investment decision to consider at the time of the Contribution and no new or additional investment commitments, nor any withdrawals, could have been made by the Client after the Contribution. Applicant also states that neither Applicant nor the Contributor engaged in any investment solicitation of the Client since the Client's last investment commitment to the Applicant in 2007 and that, at the time of the Contribution, the Contributor did not plan to solicit the Client (or any other government entity for which the Official is an "official" as defined in rule 206(4)–5) for any other investments, and the Applicant did not have any intent to solicit the Client (or any other government entity for which the Official is an "official" as defined in rule 206(4)–5) for any other investments.

7. Applicant states that at all relevant times it had policies which were fully compliant with, and more rigorous than, rule 206(4)–5's requirements at the time of the Contribution. Applicant further states that at no time did Applicant or any employees of Applicant, other than the Contributor, have any knowledge that the Contribution had been made prior to its discovery by Ares' Compliance Department in July 2013. After learning of the Contribution, Applicant and the Contributor took all available steps to obtain a return of the Contribution, which was returned within one week of discovery, and the Applicant set up an escrow account in which all fees charged to the Client's capital accounts in the Funds since the date of the Contribution were, and will continue to be, deposited by Applicant in the escrow account for immediate return to the Client should an exemptive order not be granted.

8. Applicant states that the Contributor's apparent intent in making the Contribution was not to influence the selection or retention of the Applicant. Applicant states that the Contributor has a long history of making permissible contributions to candidates that share the general political views of the Official. The amount of the Contribution, profile of the candidate, and characteristics of the campaign fall generally within the pattern of the Contributor's other political donations. Applicant further states, as discussed above, that the Contributor has confirmed that he has not, at any time, had any contact with the Official regarding the Client's investment activities with the Applicant, or otherwise met or spoken with or otherwise communicated with the Official, and that the Contributor's role with the Client was limited to making substantive presentations to the Client's representatives regarding the investment strategies of the Funds and that the Contributor had no contact with any representative of the (or its board) outside of making those presentations. Following the Contribution, Applicant took steps designed to further limit and document any such contact during the duration of the two-year time out on compensation.

Applicant's Conditions

Applicant agrees that any order of the Commission granting the requested relief will be subject to the following conditions:

1. The Contributor will be prohibited from discussing any business of the Applicant with any "government entity" client for which the Official is an "official," each as defined in rule 206(4)–5(f), until February 11, 2015.

2. Notwithstanding Condition 1, the Contributor is permitted to respond to inquiries from the Client regarding the Funds. The Applicant will maintain a log of such interactions, which will be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Applicant, and be available for inspection by the staff of the Commission.

3. The Contributor will receive a written notification of these conditions and will provide a quarterly

certification of compliance until February 11, 2015. Copies of the certifications will be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Applicant, and be available for inspection by the staff of the Commission.

4. The Applicant will conduct testing reasonably designed to prevent violations of the conditions of this Order and maintain records regarding such testing, which will be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Applicant, and be available for inspection by the staff of the Commission.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25550 Filed 10–27–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Wednesday, October 29, 2014 at 1:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution settlement of administrative proceedings;

Adjudicatory matter;

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: October 23, 2014.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–25676 Filed 10–24–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73409; File No. SR–CBOE–2014–015]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Relating to Complex Orders

October 22, 2014.

On August 19, 2014, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change amending its rules relating to complex orders. The proposed rule change was published in the **Federal Register** on September 8, 2014.[3] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is October 23, 2014. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change. The proposed rule change, if approved, would, among other things, revise the definitions of complex orders and establish certain requirements for complex orders traded in open outcry to be eligible for complex order priority.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates December 5, 2014, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CBOE–2014–015).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25548 Filed 10–27–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Icon Public Ltd. Co.; Order Withdrawing Trading Suspension

October 22, 2014.

The Securities and Exchange Commission hereby withdraws the trading suspension order as to the securities of Icon Public Ltd. Co. ("ICLR") entered October 22, 2014 ("October 22, 2014 Order").

This order shall be effective immediately.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25576 Filed 10–27–14; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–103]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72957 (September 2, 2014), 79 FR 53230.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0794 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 21, 2014.

Dale A. Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0794.

Petitioner: Picture Factory, Inc.

Section of 14 CFR Affected: part 21, 61.113(a) and (b), 61.133(a), 91.7(a), 91.9(b)(2), 91.103(b)(1), 91.119(c), 91.121, 91.151, 91.203(a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a) and (b).

Description of Relief Sought: Picture Factory, Inc. would like to operate small, camera-mounted unmanned aircraft systems weighing 55 pounds or less for the purpose of closed-set filming of motion pictures, music videos, web videos, corporate videos, television programs and commercials, and still photography.

[FR Doc. 2014–25621 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–104]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0796 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 21, 2014.

Dale A. Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0796.

Petitioner: United Services Automobile Association.

Section of 14 CFR Affected: 21.191(a), 45.23(b), 61.113(a) and (b), 91.7, 91.9(b), 91.109, 91.119, 91.121, 91.151, 91.203(a) and (b), 91.405, 91.407, 91.409, and 91.417.

Description of Relief Sought: United Services Automobile Association (USAA) seeks relief to permit civil flight operations within the national airspace and USAA seeks authorization to conduct small unmanned aircraft systems flight operations.

[FR Doc. 2014–25608 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–107]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0784 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–9521, 800 Independence Avenue SW., Washington, DC 20951.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 21, 2014.

Dael A. Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0784.

Petitioner: Shotover Camera Systems, L.P.

Section of 14 CFR: 61.113(a) and (b), 91.103, 91.119(c), 91.121, 91.151(a), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a) and (b).

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate their unmanned aircraft systems (UAS), 55 pounds or less, for aerial photography in the motion picture and television industries.

[FR Doc. 2014–25619 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–109]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0817 using any of the following methods:

- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- Fax: Fax comments to the Docket Management Facility at 202–493–2251.
- Hand Delivery: Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–9521, 800 Independence Avenue SW., Washington, DC 20951.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 21, 2014.

Dale A. Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0817.

Petitioner: Drone Fleet & Aerospace Management.

Section of 14 CFR: 61.113(a) and (b), 91.119(c), 91.121, 91.151, 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b).

Description of Relief Sought: The petitioner, a consulting business, is seeking an exemption to commercially operate their small unmanned aerial

systems to assist in the evaluation of infrastructure and operations for clients.

[FR Doc. 2014–25598 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–101]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0785 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 21, 2014.

Dale A. Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0785.

Petitioner: Helinet Aviation Services, LLC.

Section of 14 CFR Affected:

14 CFR §§ 61.113(a) and (b); 91.103; 91.119(c); 91.121; 91.151(a); 91.405(a); 91.407(a)(1); 91.409(a)(1) and (2); 91.417(a) and (b).

Description of Relief Sought:

The petitioner is seeking an exemption to conduct commercial operation of small, unmanned UAS under controlled and "sterile" conditions in motion picture and television airspace that is limited, predetermined, subject to controlled access, and will provide greater safety in connection with aircraft operations in the film and television industry.

[FR Doc. 2014–25616 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–105]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0797 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 21, 2014.

Dale A. Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0797.

Petitioner: Creative Aerial Media, LLC.

Section of 14 CFR Affected: 14 CFR part 21, §§ 45.23(b), 61.113(a) and (b), 91.7(a) and 91.9(b)(2), 91.103(b), 91.109, 91.119, 91.121, 91.151(a), 91.203(a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(2), 91.417(a) and (b).

Description of Relief Sought: The petitioner seeks an exemption to commercially operate a small unmanned vehicle (55 lbs. or less) in motion picture and television operations.

[FR Doc. 2014–25620 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–106]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0783 using any of the following methods:

- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- Fax: Fax comments to the Docket Management Facility at 202–493–2251.
- Hand Delivery: Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–9521, 800 Independence Avenue SW., Washington, DC 20951.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 21, 2014.

Dale A. Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0783.

Petitioner: Team 5, LLC.

Section of 14 CFR: 61.113(a) and (b), 91.103, 91.119(c), 91.121, 91.151(a), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a) and (b).

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate their unmanned aircraft systems (UAS), 55 pounds or less, for aerial photography in the motion picture and television industries.

[FR Doc. 2014–25612 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0192]

Agency Information Collection Activities; New Information Collection: Motor Carrier Records Change Form

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The purpose of this ICR entitled "Motor Carrier Records Change Form," is to more efficiently collect information the Office of Registration and Safety Information (MC–RS) requires to process name and address changes and reinstatements of operating authority. Currently, this data is being collected when carriers request these changes from MC–RS, but without the use of a formal data collection form.

DATES: Please send your comments by November 28, 2014. OMB must receive your comments by this date in order to act on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2014–0192. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov*, or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jeff Secrist, Chief, Chief, East-South Division, FMCSA Office of Registration & Safety Information, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 385–2367; email *jeff.secrist@dot.gov*. Office hours are from 8:00 a.m. to 5:00 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Motor Carrier Records Change Form.

OMB Control Number: 2126–00XX.

Type of Request: New collection.

Respondents: For-hire motor carriers, brokers and freight forwarders.

Estimated Number of Respondents: 22,300.

Estimated Time per Response: 15 minutes per response.

Expiration Date: N/A.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 5,575 hours [22,300 annual responses × 0.25 hours = 5,575].

Background

The Federal Motor Carrier Safety Administration (FMCSA) registers for-hire motor carriers under 49 U.S.C. 13902, surface freight forwarders under 49 U.S.C. 13903, and property brokers under 49 U.S.C. 13904. Each registration is effective from the date specified under 49 U.S.C. 13905(c). 49 CFR part 365.413: "Procedures for changing the name or business form of a motor carrier, freight forwarder, or property broker" states that carriers must submit a letter containing the required information to FMCSA's Office of Registration and Safety Information (MC–RS), formerly sent to FMCSA's IT Operations Division (MC–RIO), requesting the change; the new form would assist entities in reporting this information accurately and completely. 49 CFR 360.3(f) mentions fees that FMCSA collects for "petition for reinstatement of revoked operating authority," but does not provide any specifics for the content that petition should take.

For-hire motor carriers, brokers and freight forwarders are required to notify MC–RS when they change the name or address of the company. Currently, the name change request can be filed online through the Licensing and Insurance (L&I) Web site, or companies can fax or mail a letter requesting either name or address changes. Carriers can also request reinstatement of a revoked operating authority either via fax or online via the Licensing & Insurance (L&I) Web site. But many choose not to file online. About 40% of name changes and 60% of reinstatements are filed online. Of the rest, most are filed by faxing a request letter to MC–RS. All the address changes are received by either fax or mail. The information collected is then entered in the L&I database by FMCSA staff. This enables FMCSA to maintain up-to-date records so that the agency can recognize the entity in question in case of enforcement actions or other procedures required to ensure that the carrier is fit, willing and able to provide for-hire transportation services, and so that entities whose authority has been revoked can resume operation if they are not otherwise blocked from doing so. But the current method of collecting the data means that many requests include incomplete data, and cannot be processed without additional follow-up efforts by both FMCSA staff and the entities. This multi-purpose form, therefore, would simplify the process of gathering the information needed to process the entities' requests in a timely manner, with the least amount of effort for all parties involved. This multi-purpose form would be filed by registrants on a voluntary, as-needed basis. This multi-purpose form could be put on the FMCSA Web site so entities could access and print/fax/email the form to MC–RS. Users may report the following data points (whichever are relevant to their records change request):

What are the legal/doing business as names of the entity/representative?

What is the contact information of entity/representatives (phone number, address, fax number, email address)?

What are the requested changes to name or address of entity?

What is the docket MC/MX/FX number of the entity?

What is the US DOT number of the entity?

Is there any change in ownership, management or control of the entity?

What kind of changes is the entity making to the company?

Which authority does the entity/representative wish to reinstate, motor carrier or broker?

Does the entity/representative authorize the fee for the name change or reinstatement?

Does the entity/representative authorize the reinstatement of operating authority or name/address change?

What is the credit card information (name, number, expiration date, address, date) for the card used to pay the fee?

Comment From the Public

The FMCSA received two comments to the 60-day comment request **Federal Register** notice published on June 27, 2014 (79 FR 36578) for this ICR. Comments were received from DOT Authority.com and the National Motor Freight Traffic Association, INC. The full comments and FMCSA's responsive considerations are as follow:

DOTAuthority.com commented "I would like to thank the Federal Motor Carrier Safety Administration ("FMCSA") for inviting the industry to comment on the "Motor Carrier Records Change Form" being discussed in accordance with the Paperwork Reduction Act of 1995.

DOTAuthority.com is a private consulting firm that is one of the premier private agencies for start-up motor carriers looking to acquire their own operating authority. Among the wide variety of filing services offered are DOT & MC Number applications, UCR Registration, and HAZMAT registration. Specific to this proposal, DOTAuthority.com helps motor carriers that are looking to update the name and/or address on their MC and DOT number record and we file petitions for reinstatement on inactive authorities and petitions for reconsideration of dismissed applications.

I am writing to offer this comment to the docket and advise you that DOTAuthority.com fully supports the proposal to streamline the way changes are collected by the Office of Registration and Safety Information.

We ask that in order to avoid confusion in regards to who is submitting the form, that in addition to entity/representative the form should also state 'agent'. This would be in accordance with the FMCSA's existing Frequently Asked Questions (FAQ) found at: *http://www.fmcsa.dot.gov/faq/i-do-not-have-credit-card-can-i-use-someone-elses-credit-card-apply-usdot-number* as well as 49 CFR 365 (*http://www.ecfr.gov/cgi-bin/text-idx?SID=63a3e958e356cae74ce761f0e28a7b61&node=49:5.1.1.2.8&rgn=div5*).

As you know, it has been the policy of the FMCSA for years to allow what essentially constitutes a petition for reconsideration of dismissed applications up to one year from the date of the dismissal to enable the motor carrier to avoid having to pay the $300 application a second time. We believe the change form should address this issue.

We offer the following information in response to the specific questions posted in the **Federal Register** on June 27, 2014:

(1) Whether the proposed collection is necessary for the performance of FMCSA's functions.

DOTAuthority.com believes that this document would greatly simplify the process of getting the FMCSA correct and up-to-date information on motor carriers. Therefore, we believe that this proposed collection process is necessary for the performance of FMCSA's functions.

(2) The accuracy of the estimated burden. We have no reason to believe that the estimated burden identified in the register is in any way inaccurate.

(3) Ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information. It is our opinion that the quality, usefulness, and clarity of the collected information has been optimized in this proposal.

(4) Ways that the burden could be minimized without reducing the quality of the collected information.

Due to the already low burden cited, we do not see a way to minimize it without risking the quality of the proposed document.

Thank you again for allowing us to comment on this proposal, which will make for a better and more efficient data collection system."

The FMCSA in response to DOTAuthority.com states that it considers the term "Representative" to apply to a range of organizations such as process agents, service providers and other individuals or companies authorized to submit documents on behalf of a motor carrier, broker, or freight forwarder, or upon whom court papers may be served in any proceeding brought against such an entity." We do not feel that it is necessary to add an option for the term "Agent" to the existing "Applicant" and "Representative" when indicating who completed the form. The commenter's suggestion that requests for the reactivation of dismissed applications for operating authority ("undismissals") be added will be considered for future revisions to the form.

The National Motor Freight Traffic Association, Inc. commented as follow: "The National Motor Freight Traffic Association, Inc. ("NMFTA" or "Association") submits these comments in support of the creation of a standardized "Motor Carrier Records Change Form," as proposed by the Federal Motor Carrier Safety Administration ("FMCSA" or "Agency") in its June 27, 2014 notice at 79 FR 36578 (the "Notice"). The Records Change Form would be used to process name changes, address changes, and requests for reinstatement of operating authority. Currently, when regulated motor carriers, brokers, or freight forwarders ("entities") request such record changes, they submit the request without the use of any formal data collection form. This sometimes results in submission of incomplete supporting data that cannot be fully processed without follow-up by the FMCSA staff and the involved entities. The proposed form is intended to clarify the data requirements for such record changes, resulting in a process that is more efficient for all parties involved.

NMFTA is a trade association, with offices located at 1001 North Fairfax Street, Suite 600, Alexandria, Virginia 22314, whose members include approximately 450 less-than-truckload motor carriers operating throughout the United States and Canada. NMFTA has direct experience with FMCSA's record-correction process because it sometimes comes into play when NMFTA assigns entities Standard Carrier Alpha Codes ("SCAC"), unique two-to-four letter codes used to identify entities operating in all modes of the transportation industry for a variety of purposes. Because NMFTA must use the name of the entity as it is registered with DOT for regulated motor carriers, freight forwarders and brokers, the Association validates the accuracy of the information provided by the entity applying for a SCAC against Government records. In a number of cases, NMFTA staff finds discrepancies between the information provided by the applicant on the SCAC application and the information on file with the FMCSA in the Licensing and Insurance system and/or the Safety and Fitness Electronic Records database. The discrepancy often involves the company name, address, or operating status, the exact data points addressed by the proposed form. In such cases, the applicant is instructed to correct the FMCSA's information before the SCAC can be issued and, if the applicant asks how to do this, will be referred to the FMCSA's toll-free 800 number.

Because FMCSA does not have any form that is used to collect the information needed to accomplish the change, correction often involves a time-consuming trial and error process before the change can officially be made by the Agency. The availability of a standardized form to which NMFTA can direct these parties would be very helpful in facilitating the correction process and indirectly the SCAC-issuance process. Accordingly, NMFTA supports the FMCSA's plan to develop such a form and appreciates the opportunity being given to comment on the proposed form.

However, NMFTA is hampered in its ability to provide complete comments by the lack of an actual form to review. To encourage full public participation in the development process, NMFTA would ask that a draft form and accompanying instructions be placed in the docket, and that another opportunity for comments from interested parties be allowed. In the interim, NMFTA is providing some general comments below based upon the descriptive information contained in the Notice.

Discussion

I. A Standardized Form Would Improve the Efficiency of the Records Change Process While Minimizing the Burden on the Involved Parties

In the Notice, FMCSA asks parties to comment on whether the proposed collection is "necessary" for the performance of FMCSA's functions. 79 FR at 36579. Since FMCSA has in the past and is now processing record change requests without a standardized form the technical answer to this question is "no". However, given the reported problems that FMCSA and involved entities have had in attempting to make such record changes, when applications are incomplete, inaccurate, or not compliant with regulations, it is clear that the proposed form would ultimately make the record change process more efficient. In short, it will "make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives," in compliance with recent Executive Orders seeking to reduce regulatory burdens and costs.

The Notice also asks for comments on the estimated burden imposed by the form, which FMCSA identifies as .25 hours per form. *Id.* Even this minimal burden figure is misleading, however, since the time involved in completing the form is time that would currently be spent by parties seeking record changes to compose a letter, fax, or email conveying the same information to FMCSA. With a comprehensive and clear form, less time should be required of a regulated entity to effectively cause a name change, address change, or change in operating status. Consequently, there really is no burden imposed by the form.

II. Additional Data Points Are Needed To Cover All Record Changes

FMCSA has provided a list of 11 data points that users may report on the proposed form. NMFTA believes that several additional data points are needed to conform this form more fully to the language of 49 CFR 365.413, the rule setting forth the procedures for certain record changes.

First, the form should specifically include changes to "business form" as a data point. Such changes are currently subject to the same regulatory procedures as name or address changes as referenced in data point 3. Second, changes reflecting reinstatement of operating authority should be allowed by "freight forwarders", as well as motor carriers and brokers now referenced in data point 8. As reflected in the Notice, the record change

procedures in 49 CFR 365.413 apply uniformly to "a motor carrier, freight forwarder, or property broker."

Finally, data point 11 regarding the credit card information suggests that the applicable record change fee must be paid by credit card. Credit cards are currently the exclusive form of payment only when record changes are requested online. Checks or money orders are also allowed when changes are requested by mail. Thus, the data points should include a place to indicate the form of submission and payment, and require the credit-card related information now in data point 11 only if that is the method chosen. In this regard, NMFTA believes that both online and mail submissions, as well as the currently available means of payment, should continue to be allowed. While the majority of applicants may opt for online submission and credit card payments, because that speeds up the record-change process, there are still those who prefer handling such matters using hardcopy submissions accompanied by check or money order.

III. Detailed Instructions Must Accompany the New Record Change Form

FMCSA also asks commenters to indicate "ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information". *Id.* In NMFTA's experience, thorough instructions can be more helpful than the actual data points included on a form in ensuring that the organization or agency processing the form gets all of the data it needs to perform its task. Only complete instructions will eliminate the need for follow-up by Agency staff and entities, as currently exists. FMCSA, however, does not give any indication in the Notice of the type or extent of guidance or instructions that will accompany the form. Some suggestions of information NMFTA believes should be provided with the form are discussed below.

The Notice advises that users should report whichever of the 11 data points "are relevant to their records change request". To eliminate any uncertainty, it is important that the instructions tell users which data points are relevant to each type of request. The instructions should also clearly identify the documentation that must be submitted along with each type of request. Absent such direction, FMCSA will likely continue to get information that is just as incomplete as the individualized letter requests currently submitted for record change purposes.

NMFTA would also recommend the following instructions for name and business form changes. Because FMCSA cannot change either a legal or d/b/a name in its database unless the user has previously filed the new name with the appropriate State authority and been given approval for its use, the need for such prior action as well as the proof of the State action needed to support a record change request should be mentioned in the instructions. Similarly, while the form can be used to report name changes associated with changes in business form (e.g., incorporation of a partnership or sole proprietorship), there should be instructions advising users of the steps that must be taken at the State level to actually effectuate the change and the documentation of the change that must be provided to FMCSA along with the form.

In addition, while users may indicate on the form (data point 6) whether the name change was associated with a change in ownership, management or control of the entity, the instructions should advise users of the additional steps that must be taken before requesting a record change when more than a simple name change is involved. In sum, the instructions must make it clear to users that this form only reports changes that have been previously made, it cannot be used to actually make any changes to the applicant's business form or name.

As with name changes, an entity cannot use the records correction form to reinstate its authority unless other preliminary steps have been taken. Specifically, an entity must obtain the required insurance, surety bond, or trust agreement, and make sure that the provider has filed with FMCSA the appropriate forms demonstrating such proof of financial responsibility for all motor vehicles operated on public highways. Entities seeking to reinstate their authority must also ensure that an effective designation of process agents (BOC–3) has been filed with the Agency. The instructions on the record change form should advise users of the steps required to reinstate operating authority before the change can actually be made in FMCSA records. Perhaps an additional data point requiring confirmation that such steps have been taken would minimize the follow-up associated with reinstatement requests using the proposed form.

Conclusion

For the reasons discussed above, NMFTA strongly supports FMCSA's proposal to develop a standardized "Motor Carrier Records Change Form" that can be used for the most common types of record changes requested by regulated motor carriers, property brokers, and freight forwarders. Such a form, if accompanied by complete instructions, including the items discussed above, would help the Agency, regulated entities, and parties such as NMFTA who also work with regulated entities, to accomplish record changes in the most efficient possible manner."

The FMCSA, in response to National Motor Freight Traffic Association, INC., states that it will consider adding the form to the docket once the revisions detailed below are complete.

Regarding the NMFTA's request for change of business to be added to the form, the FMCSA feels that this is addressed by Section C: Name Changes, where options include incorporating and adding/removing a partner due to divorce, death, or other reasons. This section also specifies which documents must be submitted for each category.

In response to the NMFTA's suggestions, FMCSA will add "Freight Forwarder" as an option for a type of authority that can be reinstated, and add options/instructions for paying by check or money order. FMCSA doesn't intend to add detailed instructions to the form at this time, since we do provide instructions for these transactions in FMCSA's FAQ knowledge base at *www.fmcsa.dot.gov/FAQ* (as cited at the top of the form). FMCSA will add a reference to these FAQs to Section D (reinstatements) as well.

The NMFTA stated that ". . . it is important that the instructions tell users which data points are relevant to each type of request." FMCSA has designed the form so that there are 5 sections: Section A, which all users must fill out, includes general entity information, such as company name, DOT/MC number, contact information, etc. Section B is labeled "Address Changes Only." Section C: "Name Changes Only," Section D: "Reinstatement of Operating Authority Only" and Section E: "Payment: Name Changes and Reinstatements Only." This should make it clear which sections need to be filled out. For an address change, just sections A and B; for name changes, A, C and E; for reinstatements, A, D and E.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without

reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: October 21, 2014.

G. Kelly Regal,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–25597 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0377]

Agency Information Collection Activities; New Information Collection Request: Electronic Logging Device (ELD) Vendor Registration

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment on the approval of a new information collection request (ICR) entitled, Electronic Logging Device Vendor Registration. This ICR will be used to enable manufacturers of ELDs to register with the Federal Motor Carrier Safety Administration (FMCSA).

DATES: We must receive your comments on or before December 29, 2014.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2014–0377 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Services; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

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 for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Routhier, Transportation Specialist, Technology Division, Office of Analysis, Research and Technology, Federal Motor Carrier Safety Administration, Department of Transportation, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–1225; email *brian.routhier@dot.gov.* Office hours are from 9:00 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background: On March 28, 2014, FMCSA published a Supplemental notice of proposed rulemaking (SNPRM) entitled, "Electronic Logging Devices and Hours of Service Supporting Documents," (79 FR 17656), which proposed to require the use of ELDs by those within the motor carrier industry who are currently subject to Records of Duty Status (RODS) preparation requirements. Specifically, the final rule proposed: (1) Requiring new technical specifications for ELDs that address statutory requirements; (2) mandating ELDs for drivers currently using RODS. To ensure consistency among manufacturers and devices, functional specifications were published with the SNPRM. Providers' certification of compliance to these functional specifications is required. Providers will also be required to register their compliant devices with FMCSA.

The ELD providers will be asked to self-certify and register their devices with FMCSA online via an application Form MCSA–5893, "Electronic Logging Device (ELD) Vendor Registration and Certification." FMCSA expects 100% of respondents to submit their information electronically. Once completed, FMCSA will issue a unique identification number that the provider will embed in their device(s).

The FMCSA will maintain a list on its Web site of the current ELD providers and devices that have been certified (by the providers) to meet the technical specifications. The information will be necessary for fleets and drivers to easily find a compliant ELD for their use in meeting the FMCSA regulation requiring the use of ELDs.

Title: Electronic Logging Device (ELD) Vendor Registration.

OMB Control Number: 2126–00XX.

Type of Request: New collection.

Respondents: ELD vendors.

Estimated Number of Respondents: 22. FMCSA estimates that there will be 22 respondents, 20 U.S. and 2 foreign ELD vendors, and that each vendor will register an average of 4 devices. The total of 88 devices (4 devices × 22 vendors) exceeds the number of devices that FMCSA is currently aware of, but the Agency has opted to use a conservatively high count in order to avoid under-estimating the burden for this ICR.

Estimated Time per Response: 15 minutes first year and 7.5 minutes in subsequent years. Each vendor will take an estimated 15 minutes of preparation time plus 15 minutes per device to complete the initial registration, for a total of 75 minutes (15 minutes of preparation time + 4 devices per vendor × 15 minutes per device) per vendor in the first year. In subsequent years, it is expected that registration updates will take half the initial time; therefore respondents will take an estimated 7.5 minutes of preparation time + 4 devices per vendor × 7.5 minutes per device to complete registration updates, for a total

of 37.5 minutes per vendor in subsequent years.

Expiration Date: N/A. This is a new ICR.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 18 hours [((22 respondents × 75 minutes in year 1) + (22 respondents × 37.5 minutes in year 2) + (22 respondents × 37.5 minutes in year 3)) = 3,300 minutes ÷ 60 minutes per hour = 55 ÷ 3 year approval period = 18.33 hours, rounded to 18 hours].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: October 21, 2014.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–25603 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0127]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on two information collections that will be expiring on May 31, 2015. PHMSA will request an extension with no change for the information collections identified by OMB control numbers 2137–0049 and 2137–0594.

DATES: Interested persons are invited to submit comments on or before December 29, 2014.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Web site: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2014–0127, at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that 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.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on PHMSA–2014–0127." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

FOR FURTHER INFORMATION CONTACT: Cameron Satterthwaite by telephone at 202–366–1319, by fax at 202–366–4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies two information collection requests that PHMSA will submit to OMB for renewal. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for each information collection activity. PHMSA requests comments on the following information collections:

1. Title: Recordkeeping Requirements for Gas Pipeline Operators.

OMB Control Number: 2137–0049.

Current Expiration Date: 5/31/2015.

Type of Request: Renewal of a currently approved information collection.

Abstract: A person owning or operating a natural gas pipeline facility is required to maintain records, make reports, and provide information to the Secretary of Transportation at the Secretary's request.

Affected Public: Owners and Operators of natural gas pipeline facilities.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 12,300.

Estimated annual burden hours: 940,454.

Frequency of collection: On occasion.

2. Title: Customer-Owned Service Lines.

OMB Control Number: 2137–0594.

Current Expiration Date: 5/31/2015.

Type of Request: Renewal of a currently approved information collection.

Abstract: This collection of information about gas customers is used by operators to understand how their customers' buried piping is being maintained and by the Office of Pipeline Safety and State authorities to review operator compliance.

Affected Public: State and local governments.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 550,000.

Estimated annual burden hours: 9,167.

Frequency of Collection: On Occasion.

Comments are invited on:

(a) The need for the renewal and revision of these collections of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on October 23, 2014, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Office of Standards and Rulemaking.

[FR Doc. 2014–25593 Filed 10–27–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 22, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before November 28, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0024.

Type of Review: Extension without change of a currently approved collection.

Title: Claim for Refund and Request for Abatement.

Form: 843.

Abstract: IRC sections 6402 and 6404 and CFR sections 301.6404–2 and 301.6404–3 allow for refunds of taxes (except income taxes) or refund, abatement, or credit of interest, penalties, and additions to tax in the event of errors or certain action by the IRS. Form 843 is used by taxpayers to claim these refunds, credits, or abatements.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 875,295.

OMB Number: 1545–0877.

Type of Review: Extension without change of a currently approved collection.

Title: Acquisition or Abandonment of Secured Property.

Form: 1099–A.

Abstract: Form 1099–A is used by persons who lend money in connection with a trade or business, and who acquire an interest in the property that is security for the loan or who have reason to know that the property has been abandoned, to report the acquisition or abandonment.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 202,800.

OMB Number: 1545–1073.

Type of Review: Revision of a currently approved collection.

Title: Credit for Prior Year Minimum Tax—Individuals, Estates and Trusts.

Form: 8801.

Abstract: Form 8801 is used by individuals, estates, and trusts to compute the minimum tax credit, if any, available from a tax year beginning after 1986 to be used in the current year or to be carried forward for use in a future year.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 91,173.

OMB Number: 1545–1493.

Type of Review: Extension of a currently approved collection.

Title: T.D. 8684—Treatment of Gain From the Disposition of Interest in Certain Natural Resource Recapture Property by S Corporations and Their Shareholders.

Abstract: This regulation prescribes rules under Code section 1254 relating to the treatment by S corporations and their shareholders of gain from the disposition of natural resource recapture property and from the sale or exchange of S corporation stock. Section 1.1254(c)(2) of the regulation provides that gain recognized on the sale or exchange of S corporation stock is not treated as ordinary income if the shareholder attaches a statement to his or her return containing information establishing that the gain is not attributable to section 1254 costs.

Affected Public: Private Sector: Businesses and other for-profits.

Estimated Annual Burden Hours: 1,000.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–25512 Filed 10–27–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of the five individuals and two entities whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, "Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers".

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the five individuals and two entities identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on October 21, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (IEEPA), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the Order). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The foreign persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and the Secretary of State: (a) To play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On October 21, 2014, the Director of OFAC removed from the SDN List the five individuals and two entities listed below, whose property and interests in property were blocked pursuant to the Order:

Individuals

1. CASTANO CASTANO, Consuelo, Carrera 20 No. 66–34, Bogota, Colombia; c/o TODOBOLSAS Y COLSOBRES, Bogota, Colombia; DOB 25 Feb 1951; POB Pereira, Risaralda, Colombia; Cedula No. 29493435 (Colombia); Passport 24943435 (Colombia) (individual) [SDNT].

2. NUMA SANJUAN, Antonieta, Avenida 0 No. 10–38, Cucuta, Norte de Santander, Colombia; c/o INTERCONTINENTAL DE AVIACION S.A., Bogota, Colombia; c/o ACCIRENT S.A., Bogota, Colombia; DOB 20 Oct 1962; POB Ocana, Norte de Santander, Colombia; Cedula No. 60291819 (Colombia); Passport AE227693 (Colombia); alt. Passport AC227693 (Colombia) (individual) [SDNT].

3. SANCHEZ RUA, Rafael Angel, Calle 17 Bis. No. 2N–74, Cartago, Valle, Colombia; Finca El Encanto, Anserma, Colombia; Finca La Fortaleza, Anserma, Colombia; Finca La Perlita, Anserma, Colombia; Finca La Quichita, Anserma, Colombia; Finca Quiebra de Italia, Anserma, Colombia; DOB 22 Aug 1966; POB Ansermanuevo, Valle, Colombia; Cedula No. 16219873 (Colombia); Passport AF866705 (Colombia) (individual) [SDNT] (Linked To: MOTEL MOMENTOS E.U.; Linked To: ALMACEN Y COMPRAVENTA LOS 3 OROS).

4. VALENCIA TRUJILLO, Adela (a.k.a. VALENCIA DE MEDINA, Adela), Carrera 4 No. 11–45 Ofc. 503, Cali, Colombia; c/o CREDISA S.A., Cali, Colombia; c/o COMPANIA DE FOMENTO MERCANTIL S.A., Cali, Colombia; c/o UNIDAS S.A., Cali, Colombia; DOB 20 Oct 1954; POB Cali, Valle, Colombia; Cedula No. 31277251 (Colombia); Passport 31277251 (Colombia) (individual) [SDNT].

5. VALENCIA TRUJILLO, Carmen Emilia (a.k.a. VALENCIA DE VICTORIA, Carmen Emilia), Carrera 37 No. 8–26, Cali, Colombia; c/o CREDISA S.A., Cali, Colombia; c/o UNIDAS S.A., Cali, Colombia; DOB 08 Apr 1952; POB Cali, Valle, Colombia; Cedula No. 31244070 (Colombia); Passport 31244070 (Colombia) (individual) [SDNT].

Entities

1. ALMACEN Y COMPRAVENTA LOS 3 OROS, Carrera 7 No. 11–60, Cartago, Valle, Colombia; NIT # 16219873–3 (Colombia) [SDNT].

2. MOTEL MOMENTOS E.U., Carrera 22 No. 8–71, Cartago, Valle, Colombia; NIT # 900089381–9 (Colombia) [SDNT].

Dated: October 21, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–25606 Filed 10–27–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one individual and two entities whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) (21 U.S.C. 1901–1908, 8 U.S.C. 1182). In addition, OFAC is publishing an amendment to the identifying information of three individuals previously designated pursuant to the Kingpin Act.

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the one individual and two entities identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on October 21, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The Kingpin Act provides a statutory framework for the President to impose sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and to the benefits of trade and transactions involving U.S. persons and entities.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury consults with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; and/or (3) playing a

significant role in international narcotics trafficking.

On October 21, 2014, the Director of OFAC removed from the SDN List the one individual and two entities listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

Individual

1. GALEANO HERRENO, Saul, c/o 7 KARNES, Bogota, Colombia; DOB 26 Oct 1940; Cedula No. 5785990 (Colombia) (individual) [SDNTK].

Entities

1. ESTUDIOS Y PROYECTOS INTEGRALES DEL NORTE, S.C., Calle Coronado #421, Colonia Centro, Chihuahua, Chihuahua, Mexico; R.F.C. EPI–980910 (Mexico) [SDNTK].
2. A.F.A.I. CORP., Panama City, Panama; RUC # 1504531–1–648386 (Panama) [SDNTK].

In addition, OFAC amended the identifying information for the following individuals previously designated pursuant to the Kingpin Act:

1. MARTINEZ LASSO, Vielka Judith; DOB 09 Nov 1967; POB El Higo, San Carlos, Panama; Cedula No. 8–283–646 (Panama) (individual) [SDNTK] (Linked To: THEA HOLDING & CO., INC.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.; Linked To: GCH & SONS CO., INC.; Linked To: EURO FINANCING, CORP.; Linked To: EUROCAMBIO INVESTMENT S.A.; *Linked To: A.F.A.I. CORP.*; Linked To: INVERSIONES TROL PANAMA S.A.; Linked To: EUROCAMBIO, S.A.; Linked To: BEAUTY STATION, S.A.).
2. PEREZ FABREGA, Margarita Ines; DOB 14 Aug 1976; POB Panama; citizen Panama; Cedula No. 9–700–1662 (Panama); Passport 1412336 (Panama) (individual) [SDNTK] (Linked To: EUROCAMBIO INVESTMENT S.A.; Linked To: GCH & SONS CO., INC.; Linked To: THEA HOLDING & CO., INC.; Linked To: BEAUTY STATION, S.A.; Linked To: BERLIN INDUSTRIES, CORP.; *Linked To: A.F.A.I. CORP.*; Linked To: INVERSIONES TROL PANAMA S.A.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.).
3. PLATA MCNULTY, Jorge Alberto; DOB 01 Jun 1968; POB Panama; citizen Panama; Cedula No. 8–294–311 (Panama); Passport 1412335 (Panama) (individual) [SDNTK] (Linked To: EUROCAMBIO INVESTMENT S.A.; Linked To: THEA HOLDING & CO., INC.; Linked To: EURO FINANCING, CORP.; Linked To: GCH & SONS CO., INC.; *Linked To: A.F.A.I. CORP.*; Linked To: BEAUTY STATION, S.A.; Linked To: INVERSIONES TROL PANAMA S.A.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.; Linked To: INMOBILIARIA DAVITOV S.A.; Linked To: BERLIN INDUSTRIES, CORP.).

The listing for the individuals now appears as follows:

1. MARTINEZ LASSO, Vielka Judith; DOB 09 Nov 1967; POB El Higo, San Carlos, Panama; Cedula No. 8–283–646 (Panama) (individual) [SDNTK] (Linked To: THEA HOLDING & CO., INC.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.; Linked To: GCH & SONS CO., INC.; Linked To: EURO FINANCING, CORP.; Linked To: EUROCAMBIO INVESTMENT S.A.; Linked To: INVERSIONES TROL PANAMA S.A.; Linked To: EUROCAMBIO, S.A.; Linked To: BEAUTY STATION, S.A.).
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Dated: October 21, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–25607 Filed 10–27–14; 8:45 am]

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Part II

Environmental Protection Agency

40 CFR Part 82
Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import and Export, 2015–2019; Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2013–0263; FRL–9917–98–OAR]

RIN 2060–AR04

Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import and Export, 2015–2019

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is adjusting the allowance system for the consumption and production of hydrochlorofluorocarbons (HCFCs). Under the Clean Air Act, EPA is required to phase out production and import of these chemicals in accordance with the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Protocol). Under the Protocol, total United States HCFC production and consumption is capped, and will be completely phased out by 2030. Today's action announces the availability of annual production and consumption allowances for HCFC–22, HCFC–142b, HCFC–123, and HCFC–124 for 2015–2019. This rule also makes minor changes to the reclamation regulations, updates the use restrictions to account for a recent amendment to the Clean Air Act, and finalizes a *de minimis* exemption to the use restrictions for certain uses of HCFC–225ca/cb and HCFC–124.

DATES: This final rule is effective on January 1, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2013–0263. 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, e.g., 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 at: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. 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 Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Elizabeth Whiteley by telephone at (202) 343–9310 or by email at *whiteley.elizabeth@epa.gov*, or by mail at United States Environmental Protection Agency, Stratospheric Protection Division, Stratospheric Program Implementation Branch (6205J), 1200 Pennsylvania Ave. NW., Washington, DC 20460. You may also visit the Web site of EPA's Stratospheric Protection Division at *www.epa.gov/ozone/strathome.html* for further information about EPA's stratospheric ozone protection regulations, the science of ozone layer depletion, and related topics.

SUPPLEMENTARY INFORMATION:

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

ANPRM—Advance Notice of Proposed Rulemaking
CAA—Clean Air Act
CAAA—Clean Air Act Amendments of 1990
CFC—Chlorofluorocarbon
CFR—Code of Federal Regulations
EPA—Environmental Protection Agency
FR—Federal Register
GWP—Global Warming Potential
HCFC—Hydrochlorofluorocarbon
HVACR—Heating, Ventilating, Air Conditioning and Refrigeration
Montreal Protocol or Protocol—Montreal Protocol on Substances that Deplete the Ozone Layer
MOP—Meeting of the Parties
MT—Metric Ton
ODP—Ozone Depletion Potential
ODS—Ozone-Depleting Substance(s)
Party—States and regional economic integration organizations that have consented to be bound by the Montreal Protocol on Substances that Deplete the Ozone Layer
RACA—Request for Additional Consumption Allowances

Organization of This Document. The following outline is provided to aid in locating information in this preamble.

I. General Information

A. Does this action apply to me?

This rule may affect the following categories:

—Industrial Gas Manufacturing entities (NAICS code 325120), including fluorinated hydrocarbon gas manufacturers and reclaimers;
—Other Chemical and Allied Products Merchant Wholesalers (NAICS code 424690), including chemical gases and compressed gases merchant wholesalers;
—Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing entities (NAICS code 333415), including air-conditioning equipment and commercial and industrial refrigeration equipment manufacturers;
—Air-Conditioning Equipment and Supplies Merchant Wholesalers (NAICS code 423730), including air-conditioning (condensing unit, compressors) merchant wholesalers;
—Electrical and Electronic Appliance, Television, and Radio Set Merchant Wholesalers (NAICS code 423620), including air-conditioning (room units) merchant wholesalers;
—Plumbing, Heating, and Air-Conditioning Contractors (NAICS code 238220), including Central air-conditioning system and commercial refrigeration installation, HVACR contractors;
—Refrigerant reclaimers, manufacturers of recovery/recycling equipment, and refrigerant recovery/recycling equipment testing organizations;
—Fire Extinguisher Chemical Preparations Manufacturing (325998); Portable Fire Extinguishers Manufacturing (339999); Other Aircraft Parts and Auxiliary Equipment Manufacturing (336413);
—Surgical Appliance and Supplies Manufacturing (339113); Ophthalmic goods manufacturing (339115); General Medical and Surgical Hospitals (622110); Specialty (Except Psychiatric and Substance Abuse) Hospitals (622310);
—Entities Performing Solvent Cleaning, (including but not necessarily limited to NAICS subsector codes 332 and 335).

This list is not intended to be exhaustive, but rather provides a guide for readers regarding the types of entities that could potentially be regulated by this action. Other types of entities not listed in this table could also be affected. To determine whether your facility, company, business organization, or other entity is regulated by this action, you should carefully examine these regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

II. Background

A. How does the Montreal Protocol phase out HCFCs?

The Montreal Protocol on Substances that Deplete the Ozone Layer is the international agreement aimed at reducing and eventually eliminating the production and consumption of ozone-depleting substances (ODS). The United States was one of the original signatories to the 1987 Montreal Protocol and ratified the Protocol in 1988. Congress then enacted, and President George H.W. Bush signed into law, the Clean Air Act Amendments of 1990 (CAAA) to ensure that the United States could satisfy its obligations under the Montreal Protocol. Title VI of the Act (codified as 42 U.S.C. Chapter 85, Subchapter VI), titled Stratospheric Ozone Protection, includes restrictions on production, consumption, and use of ODS that are subject to acceleration if "the Montreal Protocol is modified to include a schedule to control or reduce production, consumption, or use * * * more rapidly than the applicable schedule" prescribed by the statute (see Clean Air Act section 606(a)(3)). Both the Montreal Protocol and the Clean Air Act (CAA) define consumption as production plus imports minus exports (see CAA section 601(6)).

In 1990, as part of the London Amendment to the Montreal Protocol, the Parties identified HCFCs as "transitional substances" to serve as temporary, lower ozone depletion potential (ODP) substitutes for chlorofluorocarbons (CFCs) and other ODS. EPA similarly viewed HCFCs as "important interim substitutes that will allow for the earliest possible phaseout of CFCs and other class I substances.[1]" (58 FR 65026, December 10, 1993). In 1992, through the Copenhagen Amendment to the Montreal Protocol, the Parties created a detailed phaseout schedule for HCFCs, beginning with a cap on consumption for developed countries not operating under Article 5 of the Montreal Protocol (non-Article 5 Parties), a schedule to which the United States adheres. The consumption cap for each non-Article 5 Party was set at 3.1 percent (later tightened to 2.8 percent) of a Party's CFC consumption in 1989, plus a Party's consumption of HCFCs in 1989 (weighted on an ODP basis). Based on this formula, the HCFC consumption cap for the United States was set at 15,240 ODP-weighted metric tons, effective January 1, 1996. This cap is the United States HCFC consumption baseline.

The 1992 Copenhagen Amendment created a schedule with graduated reductions and eventual phaseout of HCFC consumption (Copenhagen, 23–25 November, 1992, Decision IV/4). The schedule for non-Article 5 Parties initially called for tighter consumption caps based on a Party's baseline, as follows: An annual consumption cap equal to 65 percent of baseline in 2004, 35 percent of baseline in 2010, 10 percent of baseline in 2015, and 0.5 percent of baseline in 2020, with a complete HCFC phaseout by 2030.

The Copenhagen Amendment did not cap HCFC production. In 1999, the Parties created a cap on production for non-Article 5 Parties through an amendment to the Montreal Protocol agreed to at the Eleventh Meeting of the Parties (Beijing, 29 November–3 December 1999, Decision XI/5). The cap on production was set at the average of: (a) 1989 HCFC production plus 2.8 percent of 1989 CFC production, and (b) 1989 HCFC consumption plus 2.8 percent of 1989 CFC consumption. Based on this formula, the HCFC production cap for the United States was set at 15,537 ODP-weighted metric tons (MT), effective January 1, 2004. This cap is the United States HCFC production baseline.

To further protect human health and the environment, the Parties to the Montreal Protocol adjusted the phaseout schedule for HCFCs at the 19th Meeting of the Parties in September 2007. As a result of the Montreal Adjustment (reflected in Decision XIX/6),[2] the United States and other non-Article 5 parties were obligated to reduce HCFC production and consumption to 25 percent of baseline by 2010, rather than 35 percent as previously required. The other milestones remain the same. The

[1] Class I refers to the controlled substances listed in appendix A to 40 CFR part 82 subpart A. Class II refers to the controlled substances listed in appendix B to 40 CFR part 82 subpart A; HCFCs are class II substances.

[2] The adjustment entered into force and became binding for all Parties on May 14, 2008.

adjustment also resulted in a phaseout schedule for HCFC production that parallels the consumption phaseout schedule. All production and consumption for non-Article 5 Parties must be phased out by 2030.

Decision XIX/6 also adjusted the provisions for Parties operating under paragraph 1 of Article 5, considered as developing countries under the Protocol: (1) To set HCFC production and consumption baselines based on the average 2009–2010 production and consumption, respectively; (2) to freeze HCFC production and consumption at those baselines in 2013; and (3) to add stepwise reductions to 90 percent of baseline by 2015, 65 percent by 2020, 32.5 percent by 2025, and an average of 2.5 percent for 2030–2039. All production and consumption for Article 5 Parties must be phased out by 2040.

In addition, Decision XIX/6 adjusted Article 2F to allow non-Article 5 Parties to produce "up to 10 percent of baseline levels" for export to Article 5 countries "in order to satisfy basic domestic needs" until 2020. Paragraph 14 of Decision XIX/6 notes that no later than 2015, the Parties would consider "further reduction of production for basic domestic needs" in 2020 and beyond. Paragraph 3 of Decision XIX/6 contains the accelerated phaseout schedule, allowing consumption and production up to 0.5 percent of baseline from 2020–2030 for servicing needs only. Pursuant to paragraph 13 of Decision XIX/6, the Parties will review in 2015 and 2025, respectively, the need for the "servicing tails" for Article 5 and non-Article 5 countries. EPA uses the term "servicing tail" to refer to an amount of HCFCs used to service existing equipment, such as certain types of air-conditioning and refrigeration appliances.

B. How do the Clean Air Act and EPA regulations phase out HCFCs?

The Clean Air Act schedules for the phaseout of HCFC production and consumption, and for the restriction of HCFC use, appear in section 605. EPA has used its authority under section 606 to accelerate those schedules. EPA regulations that apply to production and consumption of HCFCs are designed to enable the United States to meet the phaseout schedule under the Montreal Protocol.

The United States has chosen to implement the Montreal Protocol phaseout schedule on a chemical-by-chemical basis. In 1992, environmental and industry groups petitioned EPA to implement the required phaseout by eliminating the HCFCs with the highest ozone depletion potential first. Based on data available at that time, EPA believed the United States could meet, and possibly exceed, the required Montreal Protocol reductions through a chemical-by-chemical phaseout that employed a "worst-first" approach. In 1993, as authorized by section 606 of the CAA, EPA established a phaseout schedule that eliminated HCFC–141b first and would greatly restrict HCFC–142b and HCFC–22 next, followed by restrictions on all other HCFCs and ultimately a complete phaseout (58 FR 15014, March 18, 1993, and 58 FR 65018, December 10, 1993).

On January 21, 2003, EPA promulgated regulations (68 FR 2820, January 21, 2003, "2003–2009 Rule") to ensure compliance with the first reduction milestone in the HCFC phaseout: The requirement that by January 1, 2004, the United States reduce HCFC consumption to 65 percent of baseline and freeze HCFC production. In the 2003–2009 Rule, EPA established chemical-specific consumption and production baselines for HCFC–141b, HCFC–22, and HCFC–142b for the initial regulatory period ending December 31, 2009. Section 601(2) states that EPA may select "a representative calendar year" to serve as the company baseline for HCFCs. In the 2003–2009 Rule, EPA concluded that because the entities eligible for allowances had differing production and import histories, no single year was representative for all companies. Therefore, EPA assigned an individual consumption baseline year to each company by selecting its highest ODP-weighted consumption year from 1994 through 1997. EPA assigned individual production baseline years in the same manner. EPA also provided for new entrants that began importing after 1997 but before April 5, 1999, the date the advanced notice of proposed rulemaking (ANPRM) was published. EPA took this action to ensure that small businesses that might not have been aware of the impending rulemaking would be able to continue in the HCFC market.

In the United States, an allowance is the unit of measure that controls production and consumption of ODS. EPA allocates calendar-year allowances equal to a percentage of the baseline—they are valid from January 1 to December 31 of that control period. A calendar-year allowance represents the privilege granted to a company to produce or import one kilogram (not ODP-weighted) of the specific substance. "Production allowance" and "consumption allowance" are defined at 40 CFR 82.3. To produce an HCFC for which EPA has issued allowances, an allowance holder must expend both production and consumption allowances. To import an HCFC for which EPA has issued allowances, an allowance holder must expend only consumption allowances. An allowance holder exporting HCFCs for which it has expended consumption allowances may request a refund of those consumption allowances by submitting proper documentation and receiving approval from EPA.

The 2003–2009 Rule set production and consumption baselines for the 2003–2009 regulatory period, using each company's highest "production year" or "consumption year." The 2003–2009 Rule prohibited production and import of those HCFCs that were subject to the allowance system without the appropriate allowances (40 CFR 82.15(a),(b)). EPA set the maximum production and consumption of each HCFC by issuing allowances that are valid for a single calendar year, equal to a certain percentage of each company's baseline.[3] It completely phased out the production and import of HCFC–141b by granting zero percent of baseline for production and consumption in the table at 40 CFR 82.16. EPA created a petition process to allow applicants to request small amounts of HCFC–141b beyond the phaseout. For production and consumption of HCFC–22 and HCFC–142b in 2003 through 2009, EPA allocated allowances at 100 percent of baseline. The complete phaseout of HCFC–141b, the allocations for HCFC–22 and HCFC–142b, combined with projections for consumption of all other HCFCs, remained below the 2004 cap of 65 percent of the United States baseline.

Since EPA is implementing the phaseout on a chemical-by-chemical basis, it allocates and tracks production and consumption allowances on a kilogram basis for each chemical. Upon EPA approval, an allowance holder may transfer calendar-year allowances of one type of HCFC for calendar-year allowances of another type of HCFC, with transactions weighted according to the ODP of the chemicals involved.

[3] The process for assigning consumption baseline percentages works as follows: First, all the company-specific baselines listed in the tables at 40 CFR 82.19 are added to determine the aggregate consumption baseline. Second, EPA determines how many consumption allowances to allocate for a given year and divides that amount by the aggregate baseline. The resulting percentage listed in the table at section 82.16 becomes what each company is allowed to consume in a given control period. For example, a company with 100,000 kg of HCFC–22 consumption baseline allowances would multiply that number by the percentage allowed in a given year (for example, 25 percent) to determine its calendar-year consumption allowance is 25,000 kg. EPA uses the same process to determine production baseline percentages.

Pursuant to section 607 of the CAA, EPA applies an offset to each HCFC transfer by deducting 0.1 percent from the transferor's allowance balance. The offset benefits the ozone layer since it "results in greater total reductions in the production in each year of * * * class II substances than would occur in that year in the absence of such transactions" (see CAA section 607(a)).

The 2003–2009 Rule announced that EPA would allocate allowances for the 2010–2014 regulatory period in a subsequent action and that those allowances would be lower than for 2003–2009, consistent with the next stepwise reduction for HCFCs under the Montreal Protocol. EPA subsequently monitored the market to estimate servicing needs and market adjustments in the use of HCFCs, including HCFCs for which EPA had not established baselines in the 2003–2009 Rule. In the 2010–2014 Rule (74 FR 66412, December 15, 2009), EPA issued production and import allowances for HCFC–22, HCFC–142b, and other HCFCs not previously included in the allowance system, for the 2010–2014 control periods.

In the 2010–2014 Rule, EPA estimated the need for HCFC–22 during the 2010–2014 regulatory period and the percentage of that need for which it was appropriate to allocate allowances. EPA decided that the percentage of the estimated need allocated in the form of allowances should not remain constant from year to year, but rather should decline on an annual basis. For 2010, EPA allocated HCFC–22 allowances equal to 80 percent of the estimated need, concluding that reused, recycled, and reclaimed material could meet the remaining 20 percent. The percentage of estimated need for which there was no allocation, and that would therefore need to be met through recycling and reclamation, rose from 20 percent in 2010 to 29 percent in 2014. The intent of this approach was to foster reclamation and to ensure that the United States could meet the 2015 stepdown under the Montreal Protocol.

However, part of the 2010–2014 Rule was vacated in an August 27, 2010, decision issued by the United States Court of Appeals for the District of Columbia Circuit (Court) in *Arkema* v. *EPA* (618 F.3d 1, D.C. Cir. 2010). Certain allowance holders affected by the 2010–2014 Rule contended that the rule was impermissibly retroactive because in setting the baselines for the new regulatory period, EPA did not take into account certain inter-pollutant baseline transfers that petitioners had performed during the prior regulatory period. Accounting for these transfers in the 2010–2014 Rule and applying the same methodology would have resulted in different baselines and calendar-year allowances for HCFC–22 and HCFC–142b.

The Court agreed with petitioners that "the [2010–2014] Final Rule unacceptably alters transactions the EPA approved under the 2003 Rule," (*Arkema* v. *EPA*, 618 F.3d at 3). The Court vacated the rule in part, "insofar as it operates retroactively," and remanded to EPA "for prompt resolution," (618 F.3d at 10). EPA's petition for rehearing was denied on January 21, 2011. EPA addressed the Court's partial vacatur as it related to 2011 in an August 5, 2011, interim final rule, "Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export," (76 FR 47451, August 5, 2011, "2011 Interim Final Rule"). In that rule, EPA established new baselines that (1) credited the 2008 inter-pollutant trades at issue in *Arkema* v. *EPA* based on the Court's decision; (2) reflected inter-company, single-pollutant baseline transfers that occurred since the 2010–2014 Rule was signed; (3) allocated HCFC–22 and HCFC–142b allowances for 2011; (4) clarified EPA's policy on all future inter-pollutant transfers; and (5) updated company names. The HCFC–22 and HCFC–142b use restrictions and the allocation for other controlled HCFCs were not affected by the partial vacatur.

To complete its response to the Court's decision, EPA published a final rule with the same name on April 3, 2013, allocating HCFC–142b and HCFC–22 allowances for 2012–2014 (78 FR 20004, "2012–2014 Rule"). That rule reduced HCFC–22 allowances in 2012–2014 by almost 30 percent relative to the 2010–2014 Rule in order to incentivize proper handling and recovery of HCFC–22 and encourage transition to non-ODS alternatives.

On December 24, 2013, EPA published a proposed rule that would issue allowances for HCFC–22, HCFC–142b, HCFC–123, and HCFC–124 for the 2015–2019 regulatory period (78 FR 78071, "2015–2019 Proposed Rule"). Today's action finalizes the HCFC allowance allocations for those years based on the options presented in the 2015–2019 Proposed Rule and comments submitted to EPA. For more information on the history of the HCFC phaseout and applicable rulemakings, see: *http://www.epa.gov/ozone/title6/phaseout/classtwo.html.*

C. What sections of the Clean Air Act apply to this rulemaking?

Several sections of the CAA [4] apply to this rulemaking. Section 602 states that EPA shall publish an initial list of class II substances, which is to include the HCFCs specified in the statute as well as their isomers. EPA's listing of class II substances appears at appendix B to 40 CFR part 82, subpart A.

Section 605 of the CAA phases out production and consumption and restricts the use of HCFCs in accordance with the schedule set forth in that section. As discussed in the 2010–2014 Rule (74 FR 66416), section 606 provides EPA authority to set a more stringent phaseout schedule based on (1) current scientific information that a more stringent schedule may be necessary to protect human health and the environment, (2) the availability of substitutes, or (3) to conform to any acceleration under the Montreal Protocol. EPA previously set a more stringent schedule than the section 605 schedule through a rule published December 10, 1993 (58 FR 65018). The 2010–2014 Rule made a further adjustment from the section 605 schedule based on the acceleration under the Montreal Protocol as agreed to at the Meeting of the Parties in September 2007. The more stringent schedule established in that rule was unaffected by the decision in *Arkema* v. *EPA* and is still in effect.

Section 608 of the CAA, titled National Recycling and Emission Reduction Program, requires EPA to establish standards and requirements for the use and disposal of class I and class II substances. Those requirements must reduce the use and emissions of controlled substances to the lowest achievable level, as well as maximize their recapture and recycling. Additionally, section 608(c) prohibits any person maintaining, servicing, repairing, or disposing of an appliance that contains refrigerant from knowingly venting, releasing, or disposing of that substance to the environment, regardless of whether the refrigerant is an ODS or a substitute. Substitutes are exempted from this prohibition only if EPA has determined that venting, releasing, or disposing of the substitute does not pose a threat to the environment. The full list of substitutes that are exempt from this prohibition can be found at 40 CFR section 82.154(a).

Section 611 of the CAA requires EPA to establish and implement labeling

[4] The Clean Air Act provisions that address stratospheric ozone protection are codified at 42 U.S.C. 7671–7671q.

requirements for containers of, and products containing or manufactured with, class I or class II ODS. While containers of class II substances (HCFCs) already are subject to labeling requirements, products containing or manufactured with class II substances must be labeled beginning January 1, 2015. The specific requirements and existing regulation implementing those requirements are discussed in Section IV.A. of this preamble.

Finally, section 614 of the CAA describes the relationship of Title VI to the Montreal Protocol. Section 614(b) states: "In the case of conflict between any provision of this title and any provision of the Montreal Protocol, the more stringent provision shall govern." Section 614 ensures that EPA regulations are in accordance with United States obligations under the Montreal Protocol.

III. Summary of This Final Action

This action amends the existing regulations to implement the next major milestone in the HCFC phaseout. As a party to the Montreal Protocol, the United States has agreed to decrease HCFC consumption and production levels to 10 percent of the U.S. baseline by 2015. In this rule, EPA is allocating HCFC allowances starting at approximately five percent of the U.S. consumption baseline in 2015, or half of the Montreal Protocol cap.

EPA is issuing allowances for four HCFCs, implementing a narrow *de minimis* exemption for use of existing inventory of HCFC–225ca/cb [5] and HCFC–124, and is updating regulations to account for a recent change to the Clean Air Act. In addition, EPA is making minor changes to the regulations promulgated under section 608 of the Act. These final agency actions are summarized below:

—HCFC–22: EPA is finalizing the lowest proposed 5-year linear approach of HCFC–22 consumption allowances. The consumption allocation in 2015 is approximately 10,000 MT, decreasing by approximately 2,000 MT per year until it is phased out in 2020. EPA is also providing approximately 28,000 MT of HCFC–22 production allowances each year. Under existing regulations, HCFC–22 production and consumption are zero in 2020. The agency considered market information, comments, regulatory and statutory requirements and its long-standing policy objectives as it weighed the merits of the proposed approaches. The final consumption allocation meets the 2020 phaseout deadline, and should help achieve a smooth transition to more environmentally-friendly alternatives, while also providing regulatory certainty to consumers and industry.

—HCFC–123: EPA is finalizing its preferred consumption allocation of approximately 2,000 MT per year through 2019. EPA is also finalizing its proposal to align its regulations with the recent amendment to CAA section 605(a) and allow for continued use of HCFC–123 in nonresidential streaming fire suppression applications.

—HCFC–124: EPA is finalizing its preferred production and consumption allocation of 200 MT per year through 2019.

—HCFC–142b: EPA is finalizing its preferred production and consumption allocation of 35 MT in 2015, decreasing by 5 MT per year through 2019. Under existing regulations HCFC–142b allowances for production and consumption are zero in 2020.

—HCFC–225ca/cb: EPA is allocating zero percent of the baseline for production and consumption of HCFC–225ca or HCFC–225cb effective January 1, 2015.

—De minimis use exemption: EPA is finalizing its proposed *de minimis* exemption allowing any person with HCFC–225ca/cb in inventory prior to January 1, 2015, to use that material as a solvent. EPA is also finalizing a *de minimis* exemption allowing any person with HCFC–124 in inventory prior to January 1, 2015, to use that material as a sterilant for biological indicators.

—CAA Section 608 Reclamation Requirements: EPA is finalizing its proposal (1) to require a reclaimer to notify EPA when there is a change in business management, location, or contact information and (2) to require disaggregated information for all reclaimed refrigerants as part of annual reporting to EPA. The agency is not finalizing its proposed incorporation by reference of AHRI 700–2012 at this time due to the ongoing review of the standard by ASHRAE and AHRI.

IV. Clean Air Act Requirements That Begin in 2015

A. What are the existing HCFC product labeling requirements at 40 CFR part 82 subpart E?

Section 611 of the CAA requires EPA to establish and implement labeling requirements for containers of, and products containing or manufactured with, class I or class II ODS. In 1993, EPA published regulations on these labeling requirements (58 FR 8136, February 11, 1993, Labeling Rule), codified at 40 CFR part 82 subpart E. Currently, these requirements only apply to containers containing class I or II ODS and products containing or manufactured with class I ODS. Products containing or manufactured with class II substances will be subject to these requirements beginning on January 1, 2015.

In 2015, containers containing, products containing, and products manufactured with a class I *or* class II substance must bear a product label stating: "Warning: Contains [or Manufactured with, if applicable] [insert name of class I or II substance], a substance which harms public health and environment by destroying ozone in the upper atmosphere" (40 CFR 82.106). The wording of the label is specified verbatim in CAA section 611.

EPA defines a "product containing" a class II substance as a product including, but not limited to, containers, vessels, or pieces of equipment, that physically holds a controlled substance at the point of sale to the ultimate consumer which remains within the product, (40 CFR 82.104). Two examples of a "product containing" a class II substance that would require a label are (1) portable fire extinguishers containing an HCFC and (2) appliances that incorporate closed-cell foam blown with an HCFC. Foams are plastics (such as polyurethane or polystyrene) that are manufactured using blowing agents to create bubbles or cells in the material's structure. Closed-cell foam physically holds blowing agent within the cells. While HCFCs are no longer used as blowing agents in the United States, they are used in other countries from which the United States may import products. In the case of portable fire extinguishers, the fire suppression agent is contained in a reservoir within the extinguisher and released by the user when needed.

The definition of a product "manufactured with" a class II substance is a product for which the manufacturer used a class II substance directly in that product's manufacturing, but where the product itself does not contain more than trace quantities of the ODS at the point of introduction into interstate commerce. A product "manufactured with" a class II substance would include electronics cleaned with an HCFC solvent or open cell foam blown with an HCFC. Open cell foam is different from closed cell foam in that it was manufactured with a blowing agent, but no longer contains the blowing agent because the cells or bubbles in open cell foam are open to the surrounding environment. Since

[5] Throughout this preamble, the term 'HCFC–225ca/cb' refers to either the HCFC–225ca or HCFC–225cb isomers, as well as blends containing both isomers.

HCFCs are no longer used as foam blowing agents in the United States, and the Nonessential Products Ban prohibits the sale or distribution of open cell plastic foam products made with HCFCs (40 CFR 82.70(c)), EPA expects the requirement for a "manufactured with" label should not be relevant to most open cell foam products.

Final products that incorporate another product that was "manufactured with" a class I or class II ODS do not have to bear a label so long as the manufacturer of the final product is distinct from the manufacturer of the product "manufactured with" the ODS (40 CFR 82.116). By contrast, final products that incorporate "products containing" a class I or II ODS will require a warning label, even if the final product manufacturer purchases the "product containing" the ODS from another manufacturer or supplier (40 CFR 82.114).

1. Minor Modifications to Existing Regulatory Text

The agency proposed and is now finalizing three minor edits to 40 CFR subpart E to clarify the intent of the regulatory language with respect to class II substances. EPA received no adverse comments regarding these minor clarifying revisions.

The first two clarifications are to replace "class I substance" with "controlled substance." While the emphasis in 1993 was on class I substances, EPA is now removing any ambiguity with respect to class II substances by reconciling inconsistent terminology, specifically at 82.110(c) and 82.112(d). The text of 40 CFR 82.110(c) clearly applies to both class I and class II products, so EPA is revising the title of this paragraph to make it consistent with the existing operative text.

Similarly, 82.112(d) includes the more general term "controlled substances" in the title, but not the existing operative text. Through today's action, EPA is replacing "class I substance" with "controlled substance" to clarify that this narrow exemption to the labeling requirements also applies to class II products in the same way it applied to class I products.

Third, EPA proposed to correct a citation in 82.122(a)(1). The first sentence incorrectly refers to 82.106(b)(2) as the exemption for certain methyl chloroform uses; this exemption is actually provided for in 82.106(b)(4). EPA is revising the text to reference the correct paragraph. EPA also notes that this exemption ended May 15, 1994.

2. Comments on the Existing Labeling Requirements and EPA's Response

EPA created a preliminary list of products that might be affected by these requirements in 2015. This list, along with guidance for manufacturers and importers of potentially affected products, is titled *Summary of HCFC Product Labeling Requirements & Potentially Affected Products* (Labeling Memo) and can be found in the docket for this rulemaking. EPA sought comment on whether this list is accurate and complete, and where products made with or containing HCFCs are manufactured. The agency sought comment on which products have mainly switched to non-ODS alternatives so it can continue to assist companies in determining whether the labeling requirements are likely to apply to their products. The agency also sought comment on whether any clarification to the regulations at 40 CFR subpart E (82.100–82.124) is needed to implement the existing labeling requirement for products containing or manufactured with class II substances. EPA received five comments regarding the existing labeling requirements implementing CAA section 611(c), specifically on the effectiveness and applicability of such requirements.

RMS of Georgia commented that the labeling requirements will not be an effective way to increase awareness and ensure compliance because EPA does not have an enforcement arm to handle complaints. The Alliance does not think the labeling requirements are beneficial, and encourages EPA to focus its enforcement efforts towards compliance with regulations promulgated under CAA section 608 (40 CFR subpart F). The Alliance also commented that it believes the list of products included in the docket is complete, and it does not support additional labeling of products. In contrast, Carrier commented that EPA should revise the labeling requirements to apply to dry-shipped HCFC–123 chillers and residential air conditioning condensing units, not just products containing or manufactured with HCFCs. American Pacific (AMPAC) believes fire extinguishers containing HCFC–123 should not be subject to labeling because the ODP of HCFC–123 is very low and it is used as a replacement to Halon 1211, which has a very high ODP. The commenter also noted that the list of products potentially subject to this requirement does include the HCFC Blend B nonresidential fire suppressant that it has manufactured since 1994.

The agency appreciates comments on the effectiveness of the labeling requirements. EPA takes enforcement of its regulations seriously, and notes that the comment that the agency "does not have an enforcement arm to handle complaints" is inaccurate. EPA has also made an effort to focus its outreach toward the industries most likely to be affected by the HCFC product labeling requirement. Applicability of this CAA requirement is to all class II products, which includes all products that contain or are manufactured with HCFC–123. The labeling requirements for "products containing" or "products manufactured with" class II substances in CAA section 611(c) apply January 1, 2015, without any action by the Administrator. The commenter asking for an exemption for HCFC-containing fire extinguishers did not explain how EPA could create an exemption, given that such products are clearly "products containing" class II substances. Similarly, the commenter requesting an extension of the labeling requirements did not explain how or under what authority EPA could extend those requirements to equipment that does not contain an HCFC when introduced into interstate commerce. In addition, EPA did not propose to take any such actions.

Finally, Honeywell commented on labeling requirements for closed cell polyurethane insulated refrigerated trailers and containers where the foam was blown with HCFC–141b. Honeywell suggests that EPA require, or at least offer guidance stating, that the warning label be applied to transactional paperwork as well as the actual trailer, container, or panels containing the HCFC-blown foam.

To the extent that these HCFC–141b trailers or containers are imported into the U.S. (and therefore introduced into interstate commerce), they would require a label. The existing labeling requirements allow flexibility in where the label may be placed, including on the bill of lading, supplemental printed material, or promotional printed material (see 40 CFR 82.108). However, the label must be placed where the person purchasing the HCFC-containing product (or product manufactured with HCFCs) is likely to read and understand the warning statement before purchasing the product. In the preamble to the rule that implemented the statutory labeling requirements (58 FR 8136, February 11, 1993), EPA explained that "the warning statement may appear on a display panel other than the [principal display panel] as long as that label can be readily seen and understood by the consumer at the time of purchase," (58 FR 8152). EPA continues to communicate with and offer guidance to companies that must

determine whether the HCFC labeling requirements apply to their products. More background on the labeling requirements, including a discussion of the labeling pass-through requirements, can be found in the 1993 Labeling Rule.

B. What actions is EPA taking regarding the use and sales restriction in Clean Air Act section 605(a)?

Starting January 1, 2015, section 605(a) of the Clean Air Act prohibits the use or introduction into interstate commerce of any class II substance that does not meet one of four exceptions. Specifically, use or introduction into interstate commerce is allowed only if (1) the substance has been used, recovered and recycled; (2) it is entirely transformed, except for trace quantities, in the production of other chemicals; (3) it is used as a refrigerant in appliances manufactured prior to 2020; or (4) it is listed as acceptable for use as a nonresidential fire suppression agent in accordance with CAA section 612(c).[6] Section 612 is the statutory authority for EPA's Significant New Alternatives Policy (SNAP) program, under which the agency reviews information on the human health and environmental impacts of substitutes for class I and class II substances in certain end-uses and lists those substitutes as acceptable, acceptable subject to use conditions, acceptable subject to narrowed use limits, or unacceptable (see 40 CFR subpart G).

In the 2010–2014 Rule (74 FR 66412), EPA used its authority under section 606 to accelerate the section 605(a) restrictions on use and introduction into interstate commerce for HCFC–22 and HCFC–142b[7] to January 1, 2010, five years earlier than the date specified in section 605(a). Effective January 1, 2010, EPA prohibited the use of virgin HCFC–22 and HCFC–142b to manufacture or service new air-conditioning and refrigeration appliances. In a separate rule, under the authority provided in section 615 of the CAA, EPA also prohibited the sale and distribution of appliances and appliance components pre-charged with either virgin or used, recovered, and recycled HCFC–22 and HCFC–142b (74 FR 66450). For all other HCFCs, including those for which EPA has not historically issued allowances, the CAA section 605(a) prohibitions and exceptions apply as of January 1, 2015. All HCFCs other than HCFC–22 and HCFC–142b may continue to be used and sold as refrigerants, but only for use in appliances manufactured before 2020.

EPA believes the term "use" is ambiguous in the context of section 605(a) with respect to potential categories of use that Congress did not directly address. Historically, in the context of section 605, EPA has focused on use of refrigerants to manufacture and service appliances and the section 605(a)(3) exception for servicing existing equipment. In 1993, EPA took the section 605(a) use restrictions into account in establishing the HCFC chemical-by-chemical phaseout. The 1993 Proposed Rule (58 FR 15014, March 18, 1993) discusses the acceleration of the use restriction for HCFC–22 and HCFC–142b from the standpoint of when it would be technologically feasible to end the use of these two chemicals in new refrigeration and air-conditioning equipment. In that rulemaking, EPA did not explore how to interpret or apply the term "use" in other circumstances. EPA considered various interpretations of that term in developing the 2010–2014 Rule but again focused on refrigerants. In the 2008 Proposed Rule (73 FR 78680, December 23, 2008), EPA noted that the three statutory exceptions that existed at that time "inform EPA's understanding of the term 'use' " (73 FR 78698). The preamble to the 2010–2014 Rule states: "With regard to HCFCs used as refrigerants, EPA interprets the term 'use' to mean initially charging as well as maintaining and servicing refrigeration equipment" (74 FR 66437). In regard to non-refrigerant uses, EPA addressed two manufacturing uses of HCFC–22 (manufacture of sterilant blends for medical equipment and manufacture of thermostatic expansion valves); EPA also concluded that section 605(a) would ban the primary pre-2010 use of HCFC–142b (foam-blowing). At that time, however, EPA was not yet implementing section 605(a) with respect to other HCFCs and did not fully explore what "use" might mean in the context of non-refrigerants.

In the development of the 2010–2014 Rule, EPA did consider whether section 605(a) applies to the operation of products containing HCFCs. With regard to refrigeration equipment, EPA concluded: "the section 605(a) 'use' ban does not apply to a consumer's operation of equipment containing HCFCs" (74 FR 66438). The agency's conclusion was partially based on the third exemption to 605(a), for class II substances that are used as refrigerants in appliances manufactured before a specified date. This exemption indicated "that Congress intended to permit the continued use of previously manufactured appliances." EPA also stated that for "products containing HCFCs for non-refrigerant uses. . . . EPA interprets the term 'use' as relating to the manufacture (and where applicable, the service) of those products, not the utilization of those products in the hands of the end user" (74 FR 66437).

EPA is not revisiting its interpretation of section 605(a) with respect to how it interprets "use" for products containing HCFCs. For purposes of implementing the 2015 use restriction in section 605(a), "use" of a controlled substance includes the manufacture of products that contain or are made with HCFCs; however, it would not include use of existing products containing HCFCs. (Products that contain class II controlled substances other than HCFC–22, HCFC–142b and HCFC–141b may still be manufactured before January 1, 2015). As EPA explains in the preamble to the 2010–2014 Rule, EPA interprets section 605(a) as prohibiting the use of substances, not the use of products. The statutory language does not directly address whether use of a product containing controlled substances might constitute a prohibited use of the substance. However, consistent with its earlier statements, EPA does not treat the use of a product containing HCFCs as use of the HCFC.

The agency has a long history of distinguishing between products and substances in its ODS phaseout regulations. The definition of controlled substances in 40 CFR part 82 subpart A excludes any such substance or mixture that is in a manufactured product other than a container used for the transportation or storage of the substance or mixture. EPA distinguishes between bulk containers of HCFCs and products containing HCFCs. The subpart A definition of controlled substance clarifies that if a substance needs to be transferred from a bulk container to a piece of equipment or another container to realize its intended use, it will be treated as a "substance." Examples of bulk containers include jugs, drums, and cylinders.

EPA refers readers to the preamble of the 2010–2014 Rule for two other clarifications on how EPA interprets the term "use" in the context of section 605(a). First, the agency clarified how the Nonessential Products Ban (CAA section 610) and the HCFC use restriction (CAA section 605(a)) should be interpreted together: "By prohibiting use and introduction into interstate

[6] The fourth exception in this list is a recent change to the Clean Air Act, which was included in the National Defense Authorization Act for Fiscal Year 2012 [112th Congress, H.R. 1540, Title III, Section 320, *Fire Suppression Agents*].

[7] EPA also accelerated the restrictions for HCFC–141b in the same rulemaking; however, HCFC–141b is not discussed further in this section because it is not used for refrigeration purposes.

commerce of HCFCs as bulk substances, section 605(a) effectively prohibits the continued manufacture of any products containing HCFCs (which qualifies as a type of 'use') unless specifically exempted in that section." EPA explained that while the section 610(a) Nonessential Products Ban exempts certain products, these exempted products may not be manufactured after 2014 due to the HCFC use restrictions in section 605(a). EPA clarified that "such products are prohibited from continued manufacture, unless manufactured with recovered HCFCs" (74 FR 66439). Second, in the preamble to the 2010–2014 Rule the agency clarified that "EPA does not interpret 'use' [in the context of section 605] to include destruction, recovery for disposal, discharge consistent with all other regulatory requirements, or other similar actions where the substance is part of a disposal chain" (74 FR 66439).

Because the use prohibition will apply to a variety of sectors and circumstances beginning in 2015, EPA believes it may be helpful to define "use" in the phaseout regulations (40 CFR part 82 subpart A). There is currently a definition of "use" in the regulations for the SNAP program (40 CFR part 82 subpart G), under which "use" means any use of a substitute for a class I or class II substance, including but not limited to, use in a manufacturing process or product, in consumption by the end-user, or in intermediate uses, such as formulation or packaging for other subsequent uses (40 CFR 82.172). EPA proposed a related definition for purposes of the section 605(a) use prohibition. Under this proposed definition, use of a class II controlled substance, for the purposes of section 82.15, would include use in a manufacturing process, use in manufacturing a product, intermediate uses such as formulation or packaging for other subsequent uses, and use in maintaining, servicing, or repairing an appliance or other piece of equipment. It would also include use of that controlled substance when it is removed from a storage or transportation vessel. However, the definition of "use" would not include use of a manufactured product containing a controlled substance. The primary difference between the proposed definition under section 605(a) and the SNAP regulations' definition is that the SNAP definition includes use by the consumer of a product containing ODS. This difference reflects EPA's interpretation of the section 605(a) use restriction as set forth in the preamble to the 2010–2014 Rule.

EPA received three comments on its proposed definition of "use." Two commenters support adopting a formal definition as proposed. One commenter opposes EPA's interpretation, particularly as it relates to the proposed HCFC–225ca/cb exemption for existing inventory. The commenter in opposition provides no justification for their opposition to EPA's definition of use, so EPA believes this comment is in fact a comment in opposition to the *de minimis* exemption for existing inventory of HCFC–225ca/cb, which is discussed in the following section (IV.B.1). In light of the comments received, EPA is finalizing its proposed definition of "use" at 40 CFR 82.3.

1. Treatment of Existing Inventory of HCFC–225ca and HCFC–225cb for Solvent Uses

Numerous stakeholders have asked what they will be able to do with inventory of HCFC–225ca, HCFC–225cb, and mixtures thereof (abbreviated as "HCFC–225ca/cb" for the remainder of the preamble) that exists as of January 1, 2015. To EPA's knowledge, HCFC–225ca/cb is used only as a solvent, primarily for precision cleaning in the aerospace and electronics industries. As explained above, the section 605(a) use ban does not apply to the use of products that contain class II controlled substances. However, some substances, including HCFC–225ca/cb, may be used directly to clean equipment or to manufacture a product without first being put into a manufactured product themselves. For example, a person may take HCFC–225ca/cb from a bulk container, in a mixture or neat, and either add it to a vapor degreaser or pour it on a hand wipe to clean a piece of equipment. In those circumstances, the substance itself—not a product containing the substance—is being used. This differs from the use of products that contain HCFC–225ca/cb, such as aerosol cans or pre-soaked wipes. In general, EPA proposed to interpret the section 605(a) use ban to apply to use when the substance is removed from a container used for transportation or storage. The agency did not receive any adverse comment on EPA's proposed interpretation and is therefore finalizing this interpretation.

However, EPA believes the use of HCFC–225ca/cb entered into inventory prior to January 1, 2015, by persons that use these substances as solvents may fairly be considered *de minimis*. Thus, for reasons discussed below, the agency is finalizing its proposed *de minimis* exemption to the use prohibition in section 605(a), which allows any person with HCFC–225ca/cb in inventory prior to January 1, 2015, to use that material as a solvent.[8] "Person" is defined in 40 CFR 82.3 to include corporations and Federal agencies, as well as their employees and agents. Agents include contractors and subcontractors, as well as other entities performing a service or task on behalf of the corporation or Federal agency. One of those tasks could be storing and/or using HCFC–225ca/cb that was in existing inventory prior to January 1, 2015.

EPA did not propose an exemption to the prohibition on introduction into interstate commerce, nor did it propose to change the existing regulatory phaseout date for production and import of HCFC–225ca/cb. Effective January 1, 2015, a person holding HCFC–225ca/cb in inventory may not transfer or sell it to another person (unless for destruction), nor is EPA issuing any allowances to produce or import new HCFC–225ca/cb.

Additionally, neither companies that manufacture products for their own use, nor companies that manufacture products for sale to others are allowed to manufacture products containing virgin HCFC–225ca/cb, as that is a prohibited use of the substance. A person may sell any products containing HCFC–225ca/cb that had been manufactured and entered into initial inventory prior to January 1, 2015, since at that point they would be "products" and not "class II controlled substances." A product is considered to be a part of "initial inventory" at the point where the original product has completed its manufacturing process and is ready for sale by the product manufacturer. For more discussion of EPA's interpretation of the term "initial inventory," see the 1993 Nonessential Products Ban. Also, for purposes of section 605(a), manufacturers may continue to use HCFC–225ca/cb to make both products "manufactured with" and products "containing" HCFC–225ca/cb as of January 1, 2015, so long as the HCFC–225ca/cb has been used, recovered and recycled. Labeling requirements for these products manufactured with either virgin or used, recovered, and recycled HCFC–225ca/cb will apply beginning January 1, 2015 (see Section IV.A. of this preamble). Manufacturers should also ensure that they are in compliance with the Nonessential Products Ban and with SNAP regulations.

EPA received seven comments on its proposed *de minimis* exemption to the

[8] Since the section 605(a) prohibition only limits the use of virgin or unused HCFC–225ca/cb solvent, used, recovered, and recycled solvent can still be used for precision cleaning and manufacturing products after January 1, 2015.

use restriction in section 605(a) for entities that use HCFC–225ca/cb as solvents and have HCFC–225ca/cb in their inventory prior to January 1, 2015. Six commenters supported the exemption because it would provide valuable flexibility while they evaluate and qualify alternatives that can satisfy specialized applications. Charles Stark Draper Laboratory (CSDL) and AGC Chemicals both note that EPA has adequate authority in the CAA to issue this exemption. Three commenters also noted that the exemption would help industry avoid costs associated with disposing of HCFC–225ca/cb already held in inventory.

One commenter, AGC Chemicals, stated that EPA should clarify that "owners" of HCFC–225ca/cb can use their inventory in any of their affiliated organizations, allowing transfer among facilities in different locations. In the preceding text describing the exemption, EPA has attempted to clarify that the term "person" applies to subcontractors and other agents working on the person's behalf. Transferring a chemical between different facilities of the same person within the United States would be allowed by this exemption.

Another commenter supports EPA's proposed *de minimis* exemption for HCFC–225ca/cb inventory prior to January 1, 2015, because at that point the inventory would be a product and not a class II controlled substances. EPA would like to clarify that bulk HCFC–225ca/cb produced or imported before 2015 is not a product. As explained in this section, bulk HCFC–225ca/cb in existing inventory is still a controlled class II substance. As such, EPA is providing an exemption to the use prohibition for class II controlled substances and is not reclassifying HCFC–225ca/cb as a product merely because time has passed.

One commenter, NRDC, opposes the exemption and believes that section 605(a) is intended to be interpreted strictly. According to NRDC, justifying the *de minimis* argument based on the limited quantities of this chemical in use is inappropriate and unjustified. NRDC further asserts that EPA's statutory interpretation has the potential to cause harm in future years of the phaseout if small amounts of a chemical were made available for "as long as needed" and that such an exemption would be contrary to the goals of Title VI of the Clean Air Act and the Montreal Protocol.

As explained in the proposal and in this rule, EPA is not allowing for new production or new import of virgin HCFC–225ca/cb, but only for the continued use of a small amount of material that was previously produced and/or imported using the appropriate allowances prior to 2015. The production and consumption allocation for HCFC–225ca/cb is zero starting in 2015. EPA sees the *de minimis* exemption as consistent with how EPA has treated other ODS, and with the goals of Title VI. For example, production and consumption of CFCs were phased out in 1996, yet amounts in inventory continued to be used. Additionally, there will still be continued use of HCFC–22 after EPA phases out production and import of HCFC–22 in 2020. In general, the term "phaseout" applies to the decrease and eventual elimination of production and import of a virgin substance, not to the use of a particular substance. While section 605(a) limits the use of virgin HCFCs starting in 2015, use of class I substances and certain uses of particular class II substances will continue without undermining the overarching goals of CAA Title VI.

As stated in the proposed rule, EPA believes it has implied authority to create a *de minimis* exemption from the section 605(a) use restriction. The United States Court of Appeals for the District of Columbia Circuit has recognized that "[u]nless Congress has been extraordinarily rigid, there is likely a basis for an implication of *de minimis* authority to provide exemption when the burdens of regulation yield a gain of trivial or no value." *Alabama Power Co.* v. *Costle,* 636 F.2d 323, 360–61 (D.C. Cir. 1980). In *Alabama Power,* the Court held that "[c]ategorical exemptions from statutory commands may . . . be permissible as an exercise of agency power, inherent in most statutory schemes, to overlook circumstances that in context may fairly be considered *de minimis.* It is commonplace, of course, that the law does not concern itself with trifling matters, and this principle has often found application in the administrative context. Courts should be reluctant to apply the literal terms of a statute to mandate pointless expenditures of effort." *Id.* (internal citations omitted).

In an earlier case cited by the court in *Alabama Power,* the court described the doctrine as follows: "The '*de minimis*' doctrine that was developed to prevent trivial items from draining the time of the courts has room for sound application to administration by the Government of its regulatory programs . . . The ability, which we describe here, to exempt *de minimis* situations from a statutory command is not an ability to depart from the statute, but rather a tool to be used in implementing the legislative design." *District of Columbia* v. *Orleans, 406 F.2d 957, 959 (1968).*

In this respect, the *Alabama Power* opinion observed in a footnote that the *de minimis* principle "is a cousin of the doctrine that, notwithstanding the 'plain meaning' of a statute, a court must look beyond the words to the purpose of the act where its literal terms lead to 'absurd or futile results.' " *Id.* at 360 n. 89 (citations omitted). To apply an exclusion based on the *de minimis* doctrine, "the agency will bear the burden of making the required showing" that a matter is truly *de minimis* which naturally will turn on the assessment of particular circumstances. *Id.* The *Alabama Power* opinion concluded that "most regulatory statutes, including the CAA, permit such agency showings in appropriate cases." *Id.*

A notable limitation on the use of the *de minimis* doctrine is that it does not authorize the agency to exclude something on the basis of a cost-benefit analysis. As the court explained, this "implied authority is not available for a situation where the regulatory function does provide benefits, in the sense of furthering the regulatory objectives, but the agency concludes that the acknowledged benefits are exceeded by the costs." *Id.* The court held that any "implied authority to make cost-benefit decisions must be based not on a general doctrine but on a fair reading of the specific statute, its aims and legislative history." *Id.*

Several courts have recognized *de minimis* exceptions (1) so long as they are not contrary to the express terms of the statute [9] and (2) the agency's interpretation of the exception is a permissible reading of the statute. See e.g., *Ober* v. *Whitman, 243 F.3d 1190 (9th Cir. 2001);* see also *Ohio* v. *EPA, 997 F.2d 1520 (D.C. Cir. 1993).*

A *de minimis* exemption is permissible in this situation for several reasons. First, section 605(a) is not extraordinarily rigid. Second, the use prohibition in section 605(a) is ambiguous with respect to potential categories of use that Congress did not directly address. Third, banning the use of HCFC solvent inventory held by the end-user would not advance the statutory purpose of Title VI of the

[9] In *Sierra Club* v. *EPA,* 705 F.3d 458 (D.C. Cir. 2013), the DC Circuit held that EPA had no *de minimis* authority to create an exemption from the preconstruction monitoring requirement in § 165(e)(2) of the CAA. "Whether we call preconstruction monitoring a 'plain requirement' or a requirement mandated by an 'extraordinarily rigid' statute, the result is the same: The EPA has no *de minimis* authority to exempt the requirement." *Id.* at 468.

Clean Air Act. These arguments are discussed in more detail in the following paragraphs.

The purpose of Title VI of the Clean Air Act, as its title suggests, is stratospheric ozone protection. Title VI can be categorized into three principal areas: The phaseout of production and import of ozone depleting substances (sections 602–607); reduction in emissions of these substances via various means such as required servicing practices, restrictions on sale and distribution of products, and consumer education (sections 608–611); and the transition to alternatives that reduce overall risk to human health and the environment compared to other alternatives (section 612).

Section 605 specifically addresses the phaseout of production and consumption of class II controlled substances. Section 604 applies to the phaseout of production and consumption of class I substances. There are notable differences between the two phaseouts. The phaseout under section 604 works much more quickly than the phaseout under section 605. In addition, the section 604 phaseout applies much earlier than the section 605 phaseout. Section 604 required the first reductions in class I substances in 1992, followed by a series of stepdowns culminating in the complete phaseout of nearly all class I substances by 2000. For class II substances, section 605 freezes production and consumption in 2015, with the complete phaseout not occurring until 2030.[10] Two principal factors drive the distinction in phaseout schedules. First, class I substances have much higher ODPs relative to class II substances.[11] Second, class II substances were recognized as and often developed expressly to be important transitional chemicals, beneficial in phasing out class I substances as quickly as possible. During the development of the 1990 Clean Air Act Amendments, Congress heard testimony on the need to phase out HCFCs as well as class I substances. Senator Chaffee acknowledged that "one difficulty, however, is the fact that achieving the goal of eliminating the potent long-lived CFCs as rapidly as possible is, to some extent, dependent on the continued availability of HCFCs as intermediate substitutes pending development of other, safe, non-ozone depleting substances or processes." (A Legislative History of the Clean Air Act Amendments of 1990, volume 1, p. 5210 (Senate debate)).

It is clear that Congress' intent was to phase out production and import of class I substances "as rapidly as possible," and certainly more rapidly than class II substances given the difference in the start and duration of the two phaseout schedules; however, nowhere in section 604 does Congress restrict the *use* of class I substances. Instead, Congress phases out the *production* and *import* for domestic use, and allows for certain exemptions to the phaseout for specific uses (see, e.g., section 604 (f) and (g).) Given the comparable titles of sections 604 and 605 and the overarching goal of phasing out both class I and class II ODS,[12] Congress likely intended that the "use" restriction, which is unique to section 605, should be interpreted in a manner that furthers the phaseout of production and import of HCFCs while recognizing the role of HCFCs as transitional substances.

Congress' overall approach to the class II phaseout is generally less rigid than its approach to the class I phaseout, considering the longer timeframes and the presence of only one intermediate reduction step (see section 605(b)). Given this context, EPA does not view section 605(a) as "extraordinarily rigid." In addition, section 605(a) provides an explicit exception for class II substances that have been "used, recovered, and recycled." Thus, Congress clearly did not envision that all HCFC use in applications not specifically exempted would come to a halt by 2015. Indeed, end-users of HCFC–225ca/cb could avail themselves of this exception by putting their entire existing inventory of HCFC–225ca/cb into their equipment before January 1, 2015. For example, an end-user could use its entire inventory of virgin HCFC–225ca/cb in its vapor degreaser, recover the HCFC–225ca/cb from the degreaser, and then recycle it for reuse in 2015 and beyond. In other instances, an end-user could take virgin HCFC–225ca/cb, apply it to a surface via the typical application method such that the surface is cleaned as intended, at which point any recovered HCFC–225ca/cb would be rendered "used." EPA does not wish to encourage this approach to meeting section 605(a) requirements, which would do nothing to advance the statutory purpose of stratospheric ozone protection. Rather than insist on an inflexible reading of the statute that may create "absurd or futile results," EPA believes the better option is to allow end-users to continue to use virgin HCFC–225ca/cb inventory that was manufactured and is in their possession prior to 2015.

EPA views section 605(a) as ambiguous with respect to potential categories of use that Congress did not explicitly address. Section 605(a) explicitly addresses refrigerant uses of HCFCs but is silent with respect to solvents. At the time the 1990 Clean Air Act Amendments were written, HCFCs were used predominantly as refrigerants and much consideration was given to this use in the legislative history. HCFC solvent uses, on the other hand, were not considered by Congress in the context of the class II phaseout, because they did not exist. At that time, two class I substances, CFC–113 and methyl chloroform, were used as solvents. Far from expecting an early transition, Congress allowed production and import of methyl chloroform until 2002, two years after the phaseout date for most class I substances. In addition, in section 604(d)(1), Congress specifically allowed for limited exemptions to the production and import phaseout for methyl chloroform for "use in essential applications." It was not until 1995 that the SNAP program listed HCFC–225ca/cb as acceptable subject to use conditions in electronics cleaning and precision cleaning (see 60 FR 31092, June 13, 1995). HCFC–225ca/cb was listed as acceptable in metals cleaning as recently as 2002 (see 67 FR 77927, December 20, 2002). In all three of these end-uses, HCFC–225ca/cb, which has an ODP of 0.025/0.033, is a substitute for CFC–113 and methyl chloroform, which have ODPs of 0.8 and 0.1, respectively. While HCFC–225ca/cb solvents have acted since 1995 as transitional substances between class I ODS and non-ODS substitutes for certain niche needs, there is no evidence that Congress anticipated in 1990 that any HCFCs would be used as solvents. Thus, Congress did not have the opportunity to consider whether to apply the section 605(a) use restriction to HCFC–225ca/cb solvents.

EPA does not believe that it would advance the goals of Title VI to prohibit persons that use HCFC–225ca/cb as a solvent to clean their equipment or to clean components of products they manufacture—resulting in products "manufactured with" these HCFCs—from using their existing inventory of HCFC–225ca/cb. As discussed above, any person could avoid such a

[10] Through rulemakings, EPA accelerated the statutory deadlines in sections 604 and 605, in accordance with the requirements in section 606. See 57 FR 3354 and 58 FR 65013.

[11] For example, all CFCs have an ODP of 0.6 or greater, with most having an ODP of 1.0, whereas the HCFC with the highest ODP is HCFC–141b, which has an ODP of 0.11.

[12] "The centerpiece of the stratospheric ozone protection program established by this title is the phaseout of production and consumption of all ozone depleting substances." Clean Air Act Amendments—Conference Report (Senate—October 27, 1990) (136 Cong. Rec. S16946).

prohibition by rendering all their inventory "used" in advance of the effective date. From the perspective of potential ozone destruction, there is little or no difference in this instance whether the person uses *de minimis* quantities already on site at the end of 2014 or after January 1, 2015.

EPA believes a *de minimis* exemption is appropriate for the reasons provided, and also because the quantities involved are extremely limited. This is a small niche use and EPA is only proposing to exempt HCFC–225ca/cb held in inventory by persons that use these substances as a solvent. Allowances act as a ceiling on the quantities that can be produced or imported and thus comprise pre-2015 inventory. The annual allocation of allowances for HCFC–225ca/cb from 2010–2014 has been only 20.7 ODP-weighted MT per year. Recent data showing HCFC–225ca/cb consumption has been substantially less than the allocation, further decreasing the absolute maximum amount that could remain in inventories as of 2015, when production and import are prohibited.

EPA also considered its past use of *de minimis* authority under Title VI of the Clean Air Act. The agency is modeling this exemption to section 605(a) on the *de minimis* exemption to the Nonessential Products Ban for class II substances (CAA section 610(c) and (d)). In the 1993 Nonessential Products Rule, EPA exempted products manufactured with or containing HCFCs from the ban if they were placed in initial inventory by December 27, 1993, which was 90 days after the proposed rule published and four days prior to the statutory ban on sale and distribution in interstate commerce (58 FR 50464, September 27, 1993 and 58 FR 69638, December 30, 1993). EPA adopted this narrow "grandfather" exception for existing inventories based on a *de minimis* rationale: "The crux of EPA's reasoning for providing any exemption for existing inventories was that emissions from products already in existence were *de minimis*" (58 FR 69660). EPA believes that emissions from pre-2015 existing inventories of HCFC–225ca/cb would also be *de minimis*.

As discussed, EPA believes it has sufficient authority to adopt a *de minimis* exemption to the section 605(a) use prohibition for use of HCFC–225ca/cb held in inventory by persons using these substances as solvents. EPA has also considered policy aspects of an exemption. In the 1993 Nonessential Products Rule, EPA identified various reasons for exempting existing inventory. One policy goal was to relieve a potentially onerous burden on small businesses because, absent a sell through provision, existing inventories would otherwise have to be liquidated (or in the case of the section 605(a) use restriction, intentionally used, recovered, and recycled prior to the effective date of the prohibition).

Another important consideration is that the nature of precision cleaning is such that the group of affected entities is small, but their needs are very specific. Those needs often include minimal to zero flammability as well as excellent solvency properties. If those needs are not met, human safety can be jeopardized. Prior to the proposal, EPA had heard from several entities that use HCFC–225ca/cb as solvents for cleaning existing equipment or for cleaning surfaces that are part of a newly-produced product that still have not found a suitable alternative to HCFC–225ca/cb. In some instances, they need more time to test alternatives to ensure that the chosen replacement has acceptable solvency, flammability, and usability characteristics. Also, in some areas of the United States, a number of Federal, state, and local regulations affect the choice of solvents. In particular, areas that do not meet the national ambient air quality standard for ground-level ozone may regulate solvents that are volatile organic compounds (VOCs) to reduce emissions that contribute to the formation of smog. HCFC–225ca and HCFC–225cb are exempt from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)) addressing the development of State Implementation Plans (SIPs) to attain and maintain the national ambient air quality standards. Only a few SNAP-listed alternatives to HCFC–225ca/cb are exempt from the definition of VOC (e.g., *trans*-1-chloro-3,3,3-trifluoroprop-1-ene).

After taking into account public comments, as well as the legal and policy considerations above, EPA is finalizing its proposed *de minimis* exemption to the use restriction in CAA section 605(a) for entities that use HCFC–225ca/cb as solvents and that have HCFC–225ca/cb in their inventory prior to January 1, 2015. The exemption will appear at 40 CFR 82.15(g). The exemption does not pertain to manufacturers of products containing HCFC–225ca/cb, such as technical aerosol solvents, or to producers and importers of HCFC–225ca/cb. Any aerosol solvent product manufactured prior to January 1, 2015, could be sold and used after that date, since an aerosol spray can is a product, not a controlled substance. However, manufacture of the product or HCFC blends used in those products would be considered use of a controlled substance, and would be prohibited after January 1, 2015, unless the HCFC were used, recovered, and recycled.

2. Treatment of Existing Inventory of HCFC–124 for Sterilant Uses

In the proposed rule, EPA also sought comment on whether there are other small, niche uses of HCFCs that Congress may not have contemplated in the 1990 CAA Amendments and for which a prohibition on continued use of existing inventory would yield trivial or no benefits in light of the statutory purpose. In the proposal, the agency stated that it might consider extending the proposed exemption to other such niche uses in the final rule.

EPA received one comment from Mesa Labs, requesting continued use of HCFC–124 already held in inventory as a sterilant for the manufacture and testing of biological indicators (BIs). BIs contain biological spores and are used in the pharmaceutical, medical device and healthcare markets to monitor sterilization cycles. In this case, the commenter manufactures BIs for use in monitoring ethylene oxide (EtO) sterilization cycles. Two sources of EtO currently available for use are 100 percent EtO and a blend called Oxyfume 2000 (which consists of 8.6 percent EtO and 91.4 percent HCFC–124). The commenter requests an exemption to the section 605(a) HCFC use restriction for their HCFC–124 inventory for the specific reasons listed below:

(1) BIs in the commenter's stability program may need to be tested for up to two years after the production date of the BI (i.e. up until the expiration date). This is a regulatory compliance issue connected to the FDA and ISO 9001:2008 standards.[13] Since initial resistance assessment of these BIs was conducted using the Oxyfume 2000 blend gas, the commenter cannot obtain relevant comparison data if subsequent testing is performed using 100 percent EtO as the source gas. Transitioning to a non-HCFC sterilant would affect the commenter's ability to comply with the ISO standards as well as FDA expectations.

[13] According to *www.iso.org*, ISO 9001:2008 "specifies requirements for a quality management system where an organization needs to demonstrate its ability to consistently provide product that meets customer and applicable statutory and regulatory requirements, and aims to enhance customer satisfaction through the effective application of the system, including processes for continual improvement of the system and the assurance of conformity to customer and applicable statutory and regulatory requirements."

(2) According to the ISO 11138–2 standard,[14] the minimum acceptable resistance for a BI used for EtO monitoring is 2.5 minutes. This is achievable using the Oxyfume blend but not achievable using the 100 percent EtO source. The ISO 11138–2 standard has not yet been changed to reflect this difference. Therefore, the commenter would not be able to comply with the ISO resistance requirements using 100 percent EtO, which would affect the medical industry's ability to source suitable BIs.

(3) The manufacturer of Oxyfume 2000 has stopped producing the material and will no longer accept unused material for destruction.

(4) The company's existing supplies of Oxyfume 2000 are small (300–400 pounds) and will last for up to 2 years.

The commenter also stated that they are active on the Association for the Advancement of Medical Instrumentation (AAMI) BI Working Group. Efforts are underway to change the ISO 11138–2 standard to reflect appropriate resistance values associated with the use of 100 percent EtO as the sterilants source gas. However, changes to the ISO standard will likely take 18–24 months.

Prior to the December 2013 proposal, EPA spoke with the domestic manufacturer of Oxyfume 2000 and also with representatives from the Ethylene Oxide Sterilization Association (EOSA). Through these conversations, the agency confirmed that the medical sterilant industry was aware of the upcoming use prohibition and that sterilant users were in the process of, or had already transitioned to, non-ODS sterilants. However, EPA appreciates that the standards for the minimum acceptable resistance for a BI used for EtO monitoring are currently being revised and that revision may take up to two years to complete. Due to strict requirements for BI testing, it may not be feasible for BI manufacturers to transition to a non-ODS sterilant before January 1, 2015. Therefore, in developing this final rule, EPA considered whether to create a *de minimis* exemption for this use similar to the exemption being finalized for use of HCFC 225ca/cb. EPA believes a *de mininis* exemption for use of HCFC–124/EtO sterilant blends in existing inventory is permissible for several reasons. First, as described above, section 605(a) is not extraordinarily rigid. Second, as discussed, the use prohibition in section 605(a) is ambiguous with respect to potential categories of use that Congress did not directly address. There is no mention of sterilant uses of HCFCs in section 605(a). It is unlikely that Congress considered sterilant uses of HCFCs in developing the 1990 CAA Amendments. Estimates indicate that in 1989, CFC–12/EtO was used for over 95 percent of all sterilization in hospitals (59 FR 13044). HCFC–124 containing sterilants were listed as acceptable by SNAP in the March 1994 rule establishing the SNAP program (59 FR 13044), several years after the 1990 CAA Amendments. Following that action, use of an HCFC–124/EtO blend largely replaced sterilization with a CFC–12/EtO blend. Third, banning the use of HCFC sterilant inventory held by the end-user would not advance the statutory purpose as companies could render the material "used" prior to the 2015 use prohibition, and then be able to utilize the "used" material in 2015 and beyond.

Additionally, the quantities of HCFC–124 that are being exempted are extremely limited. This is a small niche use and EPA is only exempting HCFC–124 held in inventory prior to January 1, 2015. Allowances act as a ceiling on the quantities that can be produced or imported and thus comprise pre-2015 inventory. The annual allocation of allowances for HCFC–124 from 2010–2014 has been 66 ODP-weighted MT per year. Recent data showing HCFC–124 consumption has been less than the full allocation, further decreasing the absolute maximum amount that could remain in inventories as of 2015, when production and import are prohibited. Honeywell, the manufacture of the Oxyfume 2000 HCFC–124 sterilant blend, stopped producing this product as of November 1, 2013. The company also encouraged their customers to ship back unused material and has a Web site dedicated to informing customers about the use restriction that takes effect on January 1, 2015 (see *http://www.honeywell-sterilants.com/questions-and-answers/* or the PDF in the docket). It is likely that the remaining HCFC–124 inventory is very small, and is held by end-users with niche sterilization needs (e.g. testing the efficacy of BIs).

For the reasons discussed above, EPA is including in this final rule a limited use exemption for sterilants containing HCFC–124. EPA is not creating an exemption to the prohibition on introduction into interstate commerce. Similarly, EPA is not changing the existing regulatory phaseout date for production and import of HCFC–124 for use as a sterilant, nor is EPA issuing any allowances to produce or import new HCFC–124 for use as a sterilant. Effective January 1, 2015, a person holding HCFC–124 in inventory may not transfer or sell HCFC–124 to another person (unless for destruction or for use as a refrigerant). EPA is creating a *de minimis* exemption to the use restriction in CAA section 605(a) for entities that use HCFC–124 as a sterilant for manufacture and testing of biological indicators and that have HCFC–124 in their inventory prior to January 1, 2015. The exemption will appear at 40 CFR 82.15(g). The exemption does not pertain to manufacturers of products containing HCFC–124 (e.g., aerosol spray cans); however, a product manufactured prior to January 1, 2015, could be sold and used after that date, since an aerosol spray can is a product, not a controlled substance.

3. Update to Regulations To Account for Recent Changes to Section 605(a)

In the National Defense Authorization Act (NDAA) for fiscal year 2012, Congress amended section 605(a) of the Clean Air Act to allow for continued use and introduction into interstate commerce of a class II substance that "is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c)."

Section 612 of the Clean Air Act requires EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. Section 612(c) requires EPA to publish a list of the substitutes unacceptable for specific uses and to publish a corresponding list of substitutes acceptable for specific uses. The list of acceptable substitutes is found at *www.epa.gov/ozone/snap/lists,* and the lists of "unacceptable," "acceptable subject to use conditions," and "acceptable subject to narrowed use limits" substitutes are found in the appendices to subpart G of 40 CFR part 82.

HCFC–123, HCFC–124, and several blends containing an HCFC are currently listed as acceptable and acceptable subject to narrowed use limits as fire suppression agents, where the use limit restricts use to only nonresidential fire suppression. EPA assumes that Congress intended the statutory phrase "listed as acceptable for use" to include HCFCs listed as

[14] According to *www.iso.org,* ISO 11138–2:2006 "provides specific requirements for test organisms, suspensions, inoculated carriers, biological indicators and test methods intended for use in assessing the performance of sterilizers and sterilization processes employing ethylene oxide gas as the sterilizing agent, either as pure ethylene oxide gas or mixtures of this gas with diluent gases, at sterilizing temperatures within the range of 29 °C to 65 °C."

acceptable and acceptable subject to narrowed use limits. In light of the 2012 statutory revision, EPA proposed to update its regulations for use and introduction into interstate commerce of HCFCs (82.15(g)), as well as the regulations governing production and import (82.16). Specifically, the agency proposed amending 82.15(g)(4) to allow for use and introduction into interstate commerce of any class II controlled substance not governed by the acceleration of the use prohibition to 2010, when used as a fire suppression streaming agent listed as acceptable for use or acceptable subject to narrowed use limits for nonresidential applications. EPA believes this addition is necessary and appropriate, given Congress' addition to section 605(a).

Though section 605(a) pertains only to use and introduction into interstate commerce, EPA believes that allowing for continued HCFC production and import for nonresidential fire suppression uses is in accordance with Congressional intent. Section 605 does not establish a production phaseout date for any specific HCFC. EPA previously used its discretion to establish a regulatory phaseout date, which the agency is modifying in this action. This change has minimal effect on the overall allocation since the primary HCFC used for fire suppression, HCFC–123, has a low ODP, and the quantities used for fire suppression are small relative to the other uses of HCFCs.

In large part, the regulatory phaseout date for HCFCs used in fire suppression was driven by the section 605(a) limitations on use and introduction into interstate commerce of class II controlled substances, to which Congress has now created an exception. Therefore, EPA also proposed to amend 82.16(d), by allowing for HCFC production and import in the 2015–2019 regulatory period for use in nonresidential streaming fire suppression applications. To give practical effect to this proposed change, EPA proposed allocating consumption allowances for HCFC–123 for use as both a refrigerant and as a fire suppression agent. As discussed in section VI.D. of this preamble, EPA is finalizing its proposal to allocate the maximum allowed amount of HCFC–123 consumption allowances under section 605(b). This is 100 percent of the HCFC–123 baseline, which is still less than three percent of the Montreal Protocol cap for 2015–2019.

EPA is allowing production and import for fire suppression purposes for the 2015–2019 regulatory period only. Beginning January 1, 2020, Article 2F of the Montreal Protocol limits United States production and import of HCFCs to use only in servicing and repair of existing refrigeration and air conditioning equipment. Under section 614(b), where either the Montreal Protocol or Title VI is more stringent, the more stringent provision governs. To reflect this Montreal Protocol time limitation, EPA proposed adding language to 82.16(e) indicating the purposes for which production and import may continue in 2020 and beyond. Fire suppression was not included on the list.

The agency received three comments regarding its plans to update regulations to account for recent changes to section 605(a), all of which agreed with EPA's rationale and language regarding continued use of HCFCs as a fire suppression agent. One fire suppressant manufacturer, AMPAC, commented that the word "streaming" should be deleted from the proposed changes to section 82.15(g)(4) and 82.16(d), on the ground that limiting the exemption to streaming agents only is inconsistent with legislative intent and what is stated in section 320 of the 2012 NDAA.

EPA recognizes that the language included in section 320 of the 2012 NDAA is broader than the regulatory language proposed. In particular, the 2012 NDAA does not provide any guidance on whether Congress intended to exempt only those applications in which HCFCs are currently used. EPA proposed language that was limited to streaming applications to reflect its understanding that current use of HCFCs in fire suppression is limited to streaming applications. The agency sought comment on whether HCFCs were used for other nonresidential fire suppression applications, such as total flooding. EPA did not receive any comments that would counter its understanding that current use of HCFCs in fire suppression is limited to streaming applications. Therefore, the agency is not including total flooding applications and is finalizing its changes to 40 CFR 82.15(g)(4), 82.16(d),[15] and 82. 16(e)(2) as proposed.

C. Which Montreal protocol requirements take effect in 2015 and 2020?

As discussed in section II.A. of this preamble, the United States has agreed under the Montreal Protocol to limit consumption and production of HCFCs by January 1, 2015, to no more than 10 percent of its Montreal Protocol baseline. Starting in 2015, the United States cap on consumption will be 1,524 ODP-weighted MT and the cap on production will be 1,553.7 ODP-weighted MT. By January 1, 2020, the United States is required to limit consumption and production of HCFCs to 0.5 percent of baseline. As required under sections 606(a) and 614(b) of the Clean Air Act, EPA phaseout regulations reflect the Montreal Protocol schedule for phasing out HCFCs, including the 2015 and 2020 stepdowns. In developing and finalizing the HCFC allocation schedule for 2015–2019, the agency bore in mind that as of January 1, 2020, the consumption and production caps will be approximately 76 and 77.5 ODP-weighted MT, respectively. Also, as of January 1, 2020, Article 2F of the Protocol limits United States production and consumption of HCFCs to servicing needs for refrigeration and air conditioning equipment. In addition, CAA section 605(a) limits the use of virgin HCFCs as of January 1, 2015, to use as a refrigerant in equipment manufactured prior to 2020, and use as a nonresidential fire suppressant. EPA regulations also prohibit the production and import of virgin HCFC–22 or HCFC–142b for refrigeration uses as of January 1, 2020 (see 40 CFR 82.16(e)). The 2015 and 2020 milestones in the Montreal Protocol and the Clean Air Act provide a framework within which EPA proposed, and is now finalizing, the HCFC allocations for 2015–2019.

V. HCFC Baselines for 2015–2019

EPA proposed to keep the post-*Arkema* historical baselines in the December 2013 proposal (as adjusted to reflect subsequent name changes and inter-company baseline allowance transfers), for the 2015–2019 regulatory period. The baselines for production and consumption of the seven HCFCs for which EPA has allocated allowances can be found at 40 CFR 82.17 and 82.19, respectively. Through today's final rule, EPA is finalizing those same baselines for 2015–2019 for all HCFCs subject to the allocation system. More information on the HCFC baseline system and the Arkema lawsuit is found in section II.B. of this preamble.

EPA received six comments on how it would determine baselines for 2015–2019 regulatory period, all in support of maintaining the existing baseline system. National, the Alliance, Combs Investment Properties, Arkema, Honeywell, and AMPAC all support (or in the case of AMPAC, do not object to) EPA's proposal to maintain existing

[15] EPA intended to use parallel language for production and import of HCFCs for fire suppression in § 82.16(d) but inadvertently omitted the phrase "listed as acceptable for use or acceptable subject to narrowed use limits" from the clause regarding imports. EPA is correcting this omission in the final rule.

baselines. Several commenters reference the certainty and stability that maintaining the current system would provide, or the confusion that new baselines would cause, and agree with EPA that altering baselines would not provide environmental benefit. One commenter explicitly referenced EPA's statements that revised baselines would not affect the overall, aggregate allocation since it is the percentage of baseline issued—not the aggregate baseline itself—that determines the allowed amount of production and import in a given year. AMPAC states that it supports establishment of baselines such that only actively consuming companies receive baseline allowances and it supports reallocating any allowances proportionately from non-active companies to those that are still using allowances.

Since EPA proposed to maintain the current baseline system, and commenters were supportive of the proposal, the agency is finalizing the same baselines it used in the 2012–2014 Rule. In response to AMPAC's comments, the agency believes that reallocating baselines, especially this far into the phaseout of HCFCs, would cause uncertainty and confusion. As discussed above, altering baselines would not provide environmental benefit. In addition, changing baselines for 2015–2019 could interfere with the agency's longstanding goal of an orderly transition out of HCFCs. Since baseline allowances are tradable, there is flexibility within the current system to allow companies to grow or shrink their activity in the market. The agency's consideration of updated baselines and its reasons for not proposing to revise baselines are discussed in more detail in the proposed rule (78 FR 78083).

VI. HCFC Allowance Allocation Amounts for 2015–2019

Section 605(a) of the Clean Air Act limits the use of newly-produced (i.e. virgin) HCFCs beginning January 1, 2015. Under the statute, the uses of virgin HCFCs are limited to use as a refrigerant in appliances [16] manufactured prior to 2020 (EPA accelerated this manufacturing date to 2010 for HCFC–22 and HCFC–142b) [17] and as a nonresidential fire suppressant, if listed as acceptable under SNAP for this end-use. HCFC–22 and HCFC–123 are both used as refrigerants, and thus EPA is issuing allowances for these chemicals. EPA is also issuing consumption and production allowances for HCFC–142b and HCFC–124, since both are listed as acceptable for certain refrigerant end-uses and limited, albeit decreasing, demand for refrigerant blends containing these HCFCs continues.

EPA is not issuing allowances for HCFC–225ca or HCFC–225cb because neither is used as a refrigerant nor as a fire suppressant, though the agency is finalizing a narrow *de minimis* exemption for the use of existing inventory of HCFC–225ca, HCFC–225cb, or a mixture of the two isomers (HCFC–225ca/cb) in specialty precision cleaning needs. EPA is also adopting a narrow *de minimis* exemption for the use of inventory of sterilants containing HCFC–124. Both of these exemptions are discussed at section IV.B. of this preamble.

Use of HCFC–141b was banned effective January 1, 2010 (see 82.15(g)(1),(3)), with limited exceptions. In addition, the exemption from the class II phaseout that allows for HCFC–141b exemption allowances does not continue beyond 2014 (see 40 CFR 82.16(b),(d)). The agency is finalizing its proposal to remove 40 CFR 82.16(h), which described the petition requirements for receiving HCFC–141b exemption allowances. EPA did not receive any adverse comments on removing this regulatory language.

As stated in the proposal and in accordance with 40 CFR 82.18(a)(2) and (3), EPA is issuing Article 5 allowances [18] for 2015–2019 to each company with a production baseline for any HCFC. The allocation is equal to 10 percent of the company's production baseline for that HCFC, regardless of whether production or consumption allowances are issued for that HCFC in 2015–2019.

The final HCFC allowance allocations discussed in the following sections were developed with consideration of many factors, including: Production, import, and use restrictions in the CAA and Montreal Protocol; current HCFC uses and trends, including inventory trends for HCFC–22; historic allowance use; the expected availability of recovered and reused material; servicing need projections in EPA's *2013 Servicing Tail Report;* comments received on the proposed rule; the availability of alternatives for each HCFC in each end-use; and proposed EPA action through the SNAP program regarding higher-global warming potential [19] (GWP) alternatives. In the case of HCFC–22 and HCFC–142b, EPA also considered the fact that under long-standing regulations, production and import of these two HCFCs must be phased out by January 1, 2020.

The agency released its HCFC servicing need projections (i.e., estimates of HCFC use) and other data supporting its proposed allocations for 2015–2019 in the *2013 Servicing Tail Report* on HCFC market needs with the proposed rule in December 2013. The agency made several revisions to the HCFC–123 fire suppression sections of the report and released the revised report with the Notice of Data Availability published April 7, 2014 (79 FR 19077). With this final action, the agency is releasing the updated *2014 Servicing Tail Report,* which reflects data and certain comments received during the public comment period. Both the 2013 and 2014 versions of the *Servicing Tail Report* are found in the docket for this rulemaking.

A. What is the 2015–2019 HCFC–22 consumption allocation?

1. Summary of Final HCFC–22 Consumption Allocation

In developing the proposed rule, EPA considered three options for determining the quantity of HCFC–22 consumption allowances to allocate. Each involved a declining allocation from year to year. The overarching goal of all of the proposed approaches was to meet servicing needs and encourage a smooth transition away from HCFC–22, while meeting the Clean Air Act and Montreal Protocol phaseout requirements. Under the linear approach (Option 1), which was EPA's preferred approach, the agency proposed to decrease the allocation by the same amount each year, such that there is a linear decrease in allowances from 2015 through 2019, ending at zero in 2020.

Within Option 1, EPA's preferred starting point in the proposal was approximately 13,700 MT, but the agency also proposed to start at 16,700 MT or 10,000 MT—each with consistent

[16] The Clean Air Act defines appliance as "any device which contains and uses a class I or class II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller or freezer."

[17] EPA accelerated the 605(a) use restrictions for HCFC–22 and HCFC–142b in the 2010–2014 Rule. Consequently, HCFC–22, HCFC–142b, and blends containing either can only be used as a refrigerant in appliances manufactured before January 1, 2010, not 2020. Additionally, the Clean Air Act allows use and introduction into interstate commerce of virgin HCFCs for use in transformation, but since this use does not require consumption or production allowances, it is not discussed in this section.

[18] Article 5 allowances allow a company with an HCFC baseline to produce that HCFC only for export to Article 5 Parties under the Montreal Protocol. See 40 CFR 82.18(a).

[19] Global warming potential is a measure of the total energy that a gas absorbs over a particular period of time (usually 100 years), compared to carbon dioxide.

annual decreases in allocation, ending at zero in 2020. EPA based the preferred starting point of 13,700 MT on a linear decrease from the lowest allocation previously proposed for 2014 (see 78 FR 78072). The higher starting point of 16,700 MT was based on the 2014 allocation, prior to the addition of approximately 3,000 MT of recoupment allowances (20,100 MT), and the lower proposed starting point of 10,000 MT was approximately half of the 2014 pre-recoupment allocation.

For each starting point within this linear five-year approach, EPA considered information concerning the HCFC–22 market in 2012 and 2013, particularly (1) changes in inventory, (2) the availability of recycled and reclaimed HCFC–22, (3) recent sales of HCFC–22 alternatives, and (4) allowance expenditure in recent years.

Under Option 2, EPA proposed a three-year linear approach, where consumption would be zero in 2018 instead of 2020. The proposed starting points in 2015 were 12,300 MT or 15,000 MT.

Under Option 3, EPA proposed to estimate servicing need as published in the *2013 Servicing Tail Report,* and then make adjustments to account for estimated recovery and reuse and for inventory, much like it did in the 2010–2014 and 2012–2014 Rules. Under the estimation approach, the maximum starting allocation in 2015 would be 23,100 MT, but with a wide range of possible allocations in each year, including 2015. Under the estimation approach EPA proposed to "account for up to 10,000 MT of inventory each year." Since the estimation approach is predicated on modeled servicing need, it has a significantly higher starting allocation than either of the linear approaches (Options 1 and 2). This is why EPA specifically proposed to account for existing inventory, whereas the linear approaches inherently account for inventory, given their lower starting points relative to past allocations and projected need.

For the reasons discussed in the remainder of this section of the preamble, EPA is finalizing an HCFC–22 consumption allocation that starts at approximately 10,000 MT in 2015 (7.0% of baseline), and decreases by approximately 2,000 MT each year, such that the allocation in 2020 is zero. This is the lowest proposed variant of EPA's preferred five-year linear approach (Option 1). EPA is revising the table at 82.16(a) to reflect the percentage of consumption allowance baseline issued in each year from 2015–2019.

2. EPA's Collection, Consideration and Use of Aggregate HCFC–22 Inventory Data

On August 8, 2013, EPA sent requests to nine companies asking for each company's year-end inventory of HCFC–22 from 2008–2012. Under section 114(a) of the Clean Air Act, EPA has the authority to ask any person who is subject to any requirement of the Act to establish and maintain such records, make such reports, and provide such other information as the Administrator may reasonably require. These nine companies included HCFC–22 producers, importers, distributors, and reclaimers; some are large allowance holders and others are not. The group has a significant role in the HCFC–22 market, and because they are different types of entities, data from these companies provide information on how much HCFC–22 might be in the supply chain. In collecting inventory data, EPA did not intend to determine exactly how much inventory or "stockpiled gas" exists, but to understand the general scale of inventory and trends in the growth or decrease in inventory as HCFC–22 allowance allocations changed.

2008 through 2012 aggregate inventory data from these nine entities was fully available to EPA before the proposed rule was signed and EPA considered these data in development of the proposed rule. Aggregate data was subsequently placed in the docket as explained below. Aggregate inventory as of December 31, 2011, was approximately 62,000 MT. At the end of 2012, inventory had decreased by 17.5 percent (approximately 10,000 MT) to just over 51,000 MT.

Prior to signature of the proposal, on November 23, 2013, NRDC filed a FOIA request for the aggregate inventory data; however, the agency did not immediately release the data with the proposed rule or in response to the FOIA request because two responding companies had claimed the aggregate data as confidential business information (CBI). Per EPA's regulations at 40 CFR Part 2 Subpart B, when the agency desires to determine whether business information in its possession is entitled to confidential treatment, or when the agency learns that it is responsible for responding to a FOIA request for the information, it must first determine which businesses, if any, have asserted claims of business confidentiality and generally must provide the affected businesses an opportunity to comment. The agency subsequently issues a final administrative determination of whether the business information is entitled to confidential treatment. If the agency determines that the information is not entitled to confidential treatment, it provides notice to the affected businesses, stating that the agency will make the information available to the public on the tenth business day after the business' receipt of the written notice unless the business commences an action in federal court for judicial review of the determination and to obtain a preliminary injunction against disclosure.

The agency followed these procedures with respect to the inventory data and on February 18, 2014, EPA issued a final determination that the aggregate inventory data are not entitled to confidential treatment. After notifying the two companies of its intent to release the aggregate data and waiting the required 10 business days before releasing the data, EPA made the 2008–2012 inventory data public on its Web site and responded to the FOIA submitted by NRDC. EPA sent a second letter under the authority of section 114 of the Clean Air Act to the same nine entities on February 27, 2014, requesting each company's HCFC–22 inventory as of December 31, 2013. No company claimed the aggregate inventory data for 2013 as CBI. Aggregate inventory at the end of 2013 was approximately 54,000 MT, an increase of 5.4 percent over 2012 inventory.

EPA posted the 2008–2012 aggregate inventory data on the agency's Web site at *http://www.epa.gov/ozone/title6/phaseout/classtwo.html* and notified stakeholders via email on March 10, 2014. EPA posted the 2013 aggregate inventory data on the agency's Web site and notified stakeholders via email on March 27, 2014. In addition, the agency formally announced the availability of these data on April 7, 2014, in a Notice of Data Availability (NODA). The aggregate HCFC–22 inventory data (*2008–2013 HCFC–22 Aggregate Inventory Data)* and the April 7 NODA can be found in the docket at *www.regulations.gov/#!docketDetail;D=EPA-HQ-OAR-2013-0263.*

In addition to the section 114 requests, the agency also held more than 60 meetings with stakeholders and in almost every meeting inventory was discussed in a general sense to gauge how large industry-wide inventory might be. While not definitive, most of these stakeholder conversations confirmed our view that inventory identified through the 114 process represents a significant share of total inventory in the United States.

3. Explanation of the Agency's Final Decision and Response to Comments

In this section, EPA explains the rationale and process for reaching a final decision on the HCFC–22 consumption allocation. The agency's overarching goal is to meet the 2020 phaseout deadline for HCFC–22 production and import in a manner that achieves a smooth transition to more environmentally-friendly alternatives. Further, EPA has sought to accomplish this transition in a way that provides regulatory certainty to consumers and industry without prematurely stranding equipment (i.e., equipment owners should not feel forced out of HCFC–22 if their equipment is still within its expected lifetime). EPA's focus in this rule is stratospheric ozone protection, and the focus on this section is the HCFC production and consumption phaseout under section 605(b)–(c) of the CAA, taking into account the HCFC use restrictions in section 605(a). EPA has also been mindful, however, of actions the agency is proposing under section 612, and has noted, where applicable, the climate implications of various options for implementing the HCFC–22 phaseout.

The reasoning for determining the final HCFC–22 allocation, as discussed more in this section, can be summarized as follows:

(i) The first question the agency considered was whether to issue allowances, as proposed, or to move forward with some commenters' suggestion of issuing zero allowances starting in 2015. As discussed in this section, EPA did not propose to issue zero allowances for several reasons, and those reasons were reaffirmed by several other commenters.

(ii) After determining that consumption allowances would be issued, EPA considered the question of methodology: A linear approach, with consistent annual decreases (Options 1 and 2 from the proposal) or the estimation approach (Option 3), which is an approach used in past HCFC allocation rulemakings. The agency concluded that a five-year linear approach is most appropriate for the last five years of the HCFC–22 phaseout. A five-year approach conforms to long-standing market expectations and provides much needed market certainty.

(iii) The final consideration was what level to use as the starting point in 2015. A starting point of 10,000 MT in 2015 addresses the concerns about over-supply of HCFC–22 and the large existing inventories, while encouraging transition, reclamation and proper refrigerant management.

The agency carefully considered market information, comments, regulatory and statutory requirements, and its long-standing policy objectives as it weighed the merits of the proposed approaches and came to a final decision on the amount to allocate for 2015–2019. In the remainder of this section, EPA summarizes and responds to a majority of the comments. The full *Response to Comments,* which summarizes and responds to each comment received on the proposed rule, is available in the public docket at *www.regulations.gov/#!docketDetail;D=EPA-HQ-OAR-2013-0263.*

i. EPA's Decision To Issue Allowances for 2015–2019

Sixteen commenters support a lower allocation than any of the proposed options, with most of them advocating for an allocation of zero in 2015. EPA did not propose a zero allocation option for 2015–2019, but commenters assert that dramatically reducing or eliminating the allocation would: (1) Provide decisive action needed to correct the oversupply of HCFC–22; (2) encourage development of new low-GWP alternatives and use of non-ODS alternatives; (3) encourage responsible reclamation practices and revive the reclamation industry; and (4) encourage improved leak reduction and product stewardship. Commenters also state that between the large amount of HCFC–22 currently in inventory, decreased demand, better leak control, use of reclaimed HCFC–22, and availability of alternative refrigerants, consumers can be assured of sufficient capacity to service their existing systems without EPA granting a significant amount of new HCFC–22 allowances. Among others, these commenters include NRDC, EIA, Hudson Technologies, and other reclamation companies that commented individually and also as part of the New Era Group, Inc. coalition.

Two commenters, NRDC and EIA, state that the lower allocations they advocate for (zero allowances of HCFC–22, or if not zero, then Option 2 with a modified three-year phasedown) are logical outgrowths of the proposal and as such, satisfy the legal requirements to offer opportunity for comment.

EPA is not finalizing commenters' suggestion of issuing zero allowances in this rule for several reasons. First, recent market data support the issuance of allowances. Data from 2012 and 2013 show that there is still considerable servicing need for HCFC–22. Data collected through EPA's section 114 process show that inventory drawdown in 2012 was over 10,000 MT. Given that consumption was 25,600 MT, and reclamation was over 4,000 MT, it is clear that in 2012 there was still significant servicing demand for HCFC–22. In 2013, consumption was 29,146 MT, and inventory build from the nine companies was only 2,800 MT, or about a 5 percent increase in their aggregate inventory levels. (The increase in inventory from these nine companies is about equal to the number of recoupment allowances that were issued in addition to the final consumption allocation.) Reclamation was also more than 3,500 MT. Based on these data, the agency concludes that there is still significant servicing need for HCFC–22. Continued servicing need for existing equipment is not unexpected, problematic or otherwise contrary to the goals of the phaseout. Allowing consumers to continue operating equipment using the refrigerant for which it was designed is instrumental to the agency's goal of a smooth transition while safeguarding the viability of the reclamation industry.

Second, while there would be a benefit to the stratospheric ozone layer from not allocating allowances for 2015–2019, the total level of HCFC consumption allowances allocated over the five year period covered by this rule is already 75 percent below the maximum level of consumption permitted by the Montreal Protocol and EPA's regulations implementing sections 605 and 606 of the Clean Air Act. In addition, by finalizing the option starting at 10,000 MT rather than the option starting at 13,700 MT, EPA is taking an additional step towards stratospheric ozone protection by preventing the consumption of more than 11,000 MT of HCFC–22 over the five year period. EPA disagrees with commenters about the climate benefits of a zero allocation approach. Some of these commenters state that the future emissions resulting from a large allocation of HCFC–22 would have significant climate impacts and be contrary to the President's Climate Action Plan. Hudson states that eliminating or further reducing HCFC–22 allowances beyond EPA's preferred approach in the proposal would be "one of the most significant actions the Administration could take in the short-term to address global climate change." Two commenters believe EPA's preferred approach may benefit the consumer, but is at odds with the agency's greenhouse gas reduction goals. In total, twelve commenters state that EPA's preferred approach will result in significant and unnecessary

emissions of HCFC–22 to the atmosphere, and recommend adopting a faster phaseout schedule to minimize environmental impact.

On the other hand, Arkema and the Department of Defense (DoD) do not believe that eliminating HCFC–22 allowances before 2020 would have environmental benefits, especially since the agency is reducing consumption at a faster rate than the Montreal Protocol requires. They believe that an overly quick phaseout schedule may accelerate equipment replacement, and DoD points out that the commercial availability of equipment using low-GWP alternatives is limited for some uses. DoD states that accelerating transition to equipment using high-GWP alternative refrigerants may not benefit the environment. One commenter is concerned about emissions from the venting of HCFC–22, but also states that the movement to switch out of HCFC–22 is creating a problem related to the high GWPs of the HCFC–22 substitutes. FMI is concerned about accelerated or poorly planned retrofits in the retail food sector from a shrinking HCFC–22 supply, which could lead to an increase in energy use.

EPA notes that commenters claiming that a zero allocation would reduce HCFC–22 emissions and accordingly have climate benefits, do not account for the emissions of the refrigerant that would replace HCFC–22. Calculating potential HCFC emissions avoided, without considering emissions from replacement refrigerants, does not give a true picture of climate impacts. In addition, while new systems like R–410A residential unitary air-conditioners often have smaller charge sizes and lower leak rates than the HCFC–22 equipment they replace, this is not the case for retrofits of existing unitary equipment.

A zero allocation would likely accelerate retrofits, particularly in residential unitary air-conditioning. The agency heard from numerous stakeholders that retrofits and system replacements increased when the price of HCFC–22 went up in 2012 and early 2013. Data collected from alternatives producers show a dramatic increase in sales of HCFC–22 retrofit refrigerants [20] since 2011. EPA has also heard that during the last several years, service technicians have become more aware of and comfortable using non-ODS retrofit refrigerants. As the phaseout progresses, the percentage of HCFC–22 demand met by retrofit refrigerants is expected to continue to rise.

[20] e.g., R–407C, R–421A, R–422D, R–438A, and numerous other non-ODS alternatives.

EPA believes retrofits are an important option for many consumers as HCFC–22 is phased out; however, the agency does not want to prematurely drive consumers away from the refrigerant their system was designed to run with. EPA is concerned that a zero allocation could unnecessarily push equipment owners to retrofits, potentially discouraging continued operation of HCFC–22 equipment with reclaimed refrigerant. In addition, HCFC–22 systems generally run most efficiently on HCFC–22, and to the extent stakeholders wish to evaluate the climate impacts of various options, energy efficiency is also an important climate consideration. Retrofitting an existing system can also decrease capacity, meaning a system must run longer and use more electricity in order to generate the same cooling output. A decreased capacity may also result in the inability of equipment to meet the sensible (temperature) and latent (humidity) cooling needs required throughout the season.

Additionally, stakeholders should be aware that most retrofit refrigerants (often inaccurately called "drop-ins" [21]) have higher GWPs than HCFC–22's GWP of 1810, particularly in residential unitary air-conditioning—the predominant use of HCFC–22. While not a retrofit, R–410A is the most common non-ozone depleting substitute for use in residential air conditioning, with a GWP of approximately 2090. In retail food refrigeration, which is the second largest HCFC–22 end-use, some of the alternatives are high GWP refrigerants. For example, the most common refrigerants used for refrigeration equipment in supermarkets, R–404A, R–507A and R–407A, have GWPs of approximately 3920, 3990 and 2110, respectively. Certain high-GWP alternatives in the retail food sector may be subject to additional constraints in the future since the agency is proposing to change their acceptability status under its SNAP regulations. If the HCFC allocation level were set at zero, that could encourage a near-term transition into high GWP gases that the agency has proposed to remove from the list of acceptable ODS substitutes (e.g., R–404A and R–507A). Such a result would mean that a zero allocation would fail to achieve the climate benefits envisioned by the commenters.

[21] EPA finds the use of the term "drop-in replacement" as misleading when advertising refrigerants that substitute for an ODS refrigerant, such as HCFC–22, since the term confuses and obscures several important regulatory and technical points. At minimum, a new type of lubricant will often be needed, certain parts such as elastomer gaskets will need to be replaced, and/or settings such as on TXVs will need adjustment. EPA also encourages technicians to repair leaks before re-charging with refrigerant.

Several commenters supporting a zero allocation assert that an over-supply of HCFC–22 discourages the transition to alternatives. Two commenters make statements on the rate of transition to HCFC alternatives. One commenter, ICOR International, notes that recent history shows that when the HCFC–22 allocation is low and the price of HCFC–22 is high, recovery rates go up and the transition to alternatives rapidly accelerates. Hudson Technologies states that programs like EPA's GreenChill Advanced Refrigeration Partnership have resulted in a more rapid transition away from HCFC–22 in the supermarket sector and the proliferation of HFC alternatives now represent 25 percent of the market. But Hudson Technologies also notes that HCFC–22 systems operate more efficiently with HCFC–22 than HFC-based alternatives and states that the use of reclaimed HCFC–22 is the best solution for HCFC–22 system owners. Several commenters assert that the 2012–2014 Rule hurt the alternative refrigerant industry, whose sales decreased significantly. USA Refrigerants believes that the 2012–2014 Rule was working well to encourage a transition to alternatives and that SNAP-approved refrigerants are providing cost-effective alternatives to Americans. Three commenters note that there are several HCFC–22 alternatives available across a range of applications that are reducing dependence on HCFC–22.

The agency supports encouraging new alternatives that offer improved environmental profiles to HCFC–22. However, as noted above, many of the existing alternatives in sectors that rely on HCFC–22 (e.g., residential AC and retail food refrigeration) have GWPs comparable to or higher than HCFC–22. In later parts of this section, EPA addresses existing HCFC–22 inventories and the importance of encouraging transition, reclamation and improved refrigerant management practices.

Three commenters explicitly oppose a zero allocation approach, which they believe would cause unanticipated market disruptions. In meetings after the issuance of the proposed rule and in their comments, Heating, Air-conditioning and Refrigeration Distributors, International (HARDI) expressed concerns that a zero allocation approach would leave insufficient time for distributors to plan their business, especially considering the long-standing expectation of an allocation through the end of 2019. Additionally, there are concerns that going to zero so quickly would leave

some distributors without access to HCFC–22 for the customers who operate and service HCFC–22 equipment. Another commenter, Arkema, questions the reclamation industry's ability to be the sole source of refrigerant needed to service consumer demand. Arkema also notes that the five-year timeline is especially important as EPA and the international community shift to regulation of HFCs; there should be no precipitous incentive to make inefficient switches to alternatives that may be phased out later. EPA believes its decision to issue allowances for 2015–2019 addresses these commenters' concerns. The third commenter, ACCA, does not support a zero allocation because they believe it would cause tremendous volatility and uncertainty in the market, which would likely lead to upward price fluctuations.

In the proposal, EPA recognized that some stakeholders had encouraged the agency to cease allocating allowances for HCFC–22 in 2015. The proposal noted that a zero allocation could have unintended consequences, given the longstanding expectation that the agency would issue allowances through 2019, and could adversely affect the business and transition planning for much of industry, particularly owners and operators of HCFC–22 equipment. In their comments and in subsequent meetings with EPA, many commenters point out that going to zero in 2015 is not supported by a majority of market participants, both small and large businesses, including but not limited to: Producers, importers, distributors, contractors, and the end-user community. Given the long-standing expectation that allowances for production and import of HCFC–22 would be available through 2019, EPA agrees with comments that issuing zero allowances for 2015 could cause chaotic and unanticipated market disruptions, particularly because a zero option was not proposed.

The agency continues to believe that a zero allocation is contrary to the goal of an orderly transition, and would lead to a high degree of market uncertainty. Given the diverse, and in some cases competing, legitimate needs, objectives and interests of the HCFC–22 stakeholder community, EPA can best meet its goal of a smooth transition and a 2020 production phaseout by sending a clear market signal for 2015–2019. Based on the rationale laid out in the proposed rule and in today's final rule, EPA is issuing consumption allowances for HCFC–22 in 2015 and beyond.

ii. EPA's Decision To Use a Five-Year Linear Approach for 2015–2019

Having decided to issue allowances for HCFC–22 during the 2015–2019 regulatory period, the agency's next decision was which methodology to use in setting the allocation. Based on the considerations below, EPA is finalizing allowances using a five-year linear approach.

As a methodology, a linear approach has many clear benefits, not least of which is that it is simple and easy to communicate to affected parties. This aspect is important for service technicians, since they are often the ones directly interacting with home and business owners. It is often their job to explain what the HCFC phaseout means and how it works. Providing technicians with an easier-to-explain common sense approach should improve consumers' understanding of the phaseout and the options available to them. EPA developed several fact sheets that discuss the HCFC phaseout and the choices available to consumers to provide technicians and equipment owners with additional information. These fact sheets can be found at: *www.epa.gov/ozone/title6/phaseout/classtwo.html.*

EPA recognizes that as a chemical reaches its production phaseout, modeling HCFC–22 servicing needs with precision becomes increasingly difficult. While EPA's Vintaging Model is updated frequently to reflect changes in the marketplace, it is not designed to model how the specific allocation amounts in recent years affects servicing need in future years, nor is it designed to model certain other events that may affect supply, e.g., the effects of a hot or cold summer, or the general state of the economy. The difficulty of predicting certain real-time market factors is one reason that the agency has not relied heavily on modeled servicing need in the final HCFC–22 allocation for 2015–2019, and why EPA has always relied on modeling as one tool among many considered in deciding the final allocation.

One commenter favors the estimation approach (Option 3) in order to stabilize the market. Other commenters oppose the estimation approach because in their view it would reduce incentives for recovery, does not account appropriately for stockpiles, and allocates more HCFC–22 than is needed. Another commenter, Johnstone Supply, supports a five-year phaseout similar to Option 3 but with approximately two-thirds of the allocation cut.

Six commenters specifically address technical aspects or parameters in EPA's *2013 Servicing Tail Report.* Several of these commenters question the report's accuracy and say EPA's projected servicing need for HCFC–22 does not adequately account for: Sales of alternative and retrofit refrigerants, declining leak rates (especially for GreenChill partners), servicing needs, existing HCFC–22 stockpiles, the capabilities of the reclamation industry, recycling, and future economic and weather conditions. One commenter, EOS Climate, incorrectly asserts that EPA assumes growth rates in all categories of HCFC–22 equipment despite the fact that virgin HCFC–22 can only be used for pre-2010 equipment and that imports of dry-shipped condensing units are decreasing. Another commenter, North Lakes Distributing, Inc., believes EPA "has displayed a pervasive unwillingness to scrap the old inaccurate bottom up analysis," such as that used in the *Servicing Tail Report.* The commenter believes that if top down manufacturing supply information is not collected, estimates of usage in individual market sectors are not useful. EPA reiterates that the five-year linear approach uses a common sense approach, focused on a 2015 starting allocation that will encourage transition and a gradual phase out production and consumption of HCFC–22 by 2020. Also, since the 2015 allocation is less than one-quarter of modeled servicing need as presented in the *2013 Servicing Tail Report,* EPA believes that it has adequately addressed these commenters' concerns for the purposes of the 2015–2019 allocation. The agency responds to specific comments more fully in the *Response to Comments* document.

Since the market for virgin HCFC–22 is solely for servicing air-conditioning and refrigeration equipment that was installed prior to 2010,[22] EPA believes that annually decreasing the allocation by the same amount over five years is appropriate. Such an allocation schedule should drive the necessary changes in the service market to prepare for the 2020 phaseout, without unnecessarily forcing transition or retrofits out of HCFC–22 equipment that is still within its expected lifetime. A five-year linear approach sends a clear market signal about the allowed production and import of HCFC–22 in each year leading up to the 2020 phaseout date. It also allows industry time to digest, comment on and participate in the public regulatory process related to actions EPA is proposing to take under SNAP to further

[22] With limited exceptions through the end of 2011.

the goals of the President's Climate Action Plan. Actions under SNAP may bear on end-users' decisions about continuing to operate equipment with HCFC–22, or retrofitting or replacing the equipment. EPA is concerned that a three-year linear reduction to zero could increase the likelihood that end-users would rush to transition from HCFC–22 without adequately considering their longer-term options. A five-year approach provides more time for the introduction of alternatives that reduce overall risk, before the complete phaseout of HCFC–22 production and virgin import. A five-year approach with consistent annual decreases strikes an important balance: Recognizing that the phaseout of virgin production and import is only five years away, without forcing end-users to retrofit or replace their equipment designed for HCFC–22. Continued operation of HCFC–22 equipment also helps ensure that HCFC–22 is valuable; HCFC–22 is less likely to be vented and more likely to be reclaimed and reused if it has economic value.

EPA received numerous comments in support of the five-year linear approach. Commenters stated that the five-year linear approach will "provide steady incentives" to reclaim material and move to alternatives, while also giving consumers and equipment manufacturers "sufficient time" to prepare for the transition. Competition, market stability and ensured access to HCFC–22 were also cited as reasons to use a five-year linear schedule for issuing HCFC–22 allowances from 2015 through 2019. EPA generally agrees with these comments.

EOS Climate prefers the three-year drawdown, claiming that it partially accounts for existing stockpiles and provides significant environmental benefits compared to EPA's lead proposal at no additional cost. NRDC, Combs Investment Properties, Hudson Technologies, and EIA support a modified 3-year approach if EPA does decide to issue allowances. One commenter, DuPont, opposes a three-year schedule because ending the allocation in 2018 would result in a chaotic market. EPA sees the three-year schedule as having some of the same drawbacks as the zero allocation approach, given the longstanding expectation that the agency would issue allowances through 2019. Not allocating allowances in 2018–2019 could adversely affect the business planning and transition plans for much of industry, particularly owners and operators of HCFC–22 equipment. EPA addresses the role of inventory in the next section and the environmental benefits of EPA's chosen approach in the previous section.

EPA has explained here the merits of the linear approach, which are supported by many commenters. Based on the available data, current market perceptions and the 2020 phaseout deadline, the agency believes a five-year linear drawdown best addresses the concerns and suggestions of a majority of the commenters. In the following paragraphs, EPA explains why it is finalizing a starting point lower than its preferred starting point of 13,600 MT.

iii. EPA's Decision To Use a Five-Year Linear Approach, Starting at 10,000 MT in 2015

Twelve commenters support Option 1, with the lower starting point of 10,000 MT in 2015. Several of these commenters are industry associations representing anywhere from 50 to several hundred small and large businesses. Commenters favor this option because it is one of the lowest allowance options proposed, it would provide the fewest allowances in 2015 and 2016, and because the linear approach provides market stability through its consistent annual decreases in allocation. The commenters generally advocate for a lower allocation than EPA's proposed starting point of 13,700 MT in order to send a strong early market signal of tightening supply, compensate for larger-than-estimated HCFC–22 inventories, and stimulate reclamation. Five commenters support Option 1 starting at 13,700 MT. Those in support of EPA's preferred starting point of 13,700 MT believe that it offers the smoothest transition, while faster reductions may result in refrigerant shortages and high prices. The Food Marketing Institute supports a linear approach, but suggests a higher starting point than 13,700 MT. Options 2 and 3 each received support as the preferred option from one commenter.

The agency is finalizing a 2015 allocation of 10,000 MT, with a decrease of approximately 2,000 MT each year thereafter. In deciding on the amount of the 2015 allocation, EPA gave further consideration to the market factors discussed in the proposal. Many of these market factors are discussed earlier in this section as support for EPA's decision to issue allowances in 2015–2019. EPA's decision to finalize a starting point of 10,000 MT was primarily based on three considerations: The availability of larger-than-anticipated inventory, the importance of a viable reclamation industry and the market-signaling effects of a sufficiently low 2015 and 2016 allocation.

In the 2012–2014 Rule, the agency estimated industry-wide inventory to be between 22,700 MT and 45,500 MT. As explained in section VI.A.2, in the fall of 2013, the agency asked nine entities in the HCFC–22 market about their year-end inventory. Aggregate inventory data from these nine entities were fully available to EPA while developing the proposed rule. With the knowledge that aggregate inventory held by these nine major entities at the end of 2012 was 51,100 MT, which is higher than the upper end of EPA's estimate used in the 2012–2014 rulemaking, EPA proposed 13,700 MT as its preferred starting point for 2015. At the request of industry, EPA also collected 2013 year-end inventory data from these same nine companies. At the end of 2013, inventory had grown by 2,800 MT, an increase of 5.6% from 2012. The proposed 2015 starting points for the linear draw-down approaches are much lower than under the estimation approach, in part because of the inventory data EPA was able to collect and consider while developing the proposal.

EPA is aware that these nine entities do not hold all inventory industry-wide. EPA was not seeking precise inventory numbers. The agency did not consider inventory as a result of a statutory mandate to do so. Rather, EPA believed it was reasonable to allow the approximate scale of inventory and inventory trends to inform its general understanding of the market. Given the data collected in the fall of 2013, and the numerous conversations with many companies throughout the supply chain, EPA believes that the data from these nine companies are representative of the trends and scale of inventory across the entire market, and that the aggregate held by these nine companies accounts for a large proportion of total inventory. The data collected show that aggregate inventory is large enough to justify a starting allocation of 10,000 MT instead of 13,700 MT. While additional inventory data from more entities might further support a 10,000 MT starting point, these data would not eliminate the considerations that led EPA to finalize a non-zero allocation for 2015–2019.

In addition to comments on the proposal that discuss existing HCFC–22 inventory as it relates to the proposed allocation options, EPA received 15 comments on its April 4, 2014, Notice of Data Availability, announcing the 2008–2013 aggregate HCFC–22 inventory data collected from nine companies. Six comments reiterated that HCFC–22 aggregate inventory is higher than expected or previously estimated by EPA. Six commenters

believe that the nine companies that EPA collected data from do not represent the entire market, while one commenter believes that nine entities likely hold a majority of HCFC–22 inventory. One commenter specifically names other potential sources of HCFC–22 inventory, while two comment that EPA needs to consider other sources of inventory beyond the nine surveyed companies like grocery stores and apartment buildings. Several comments explicitly state that the inventory data proves that no additional allowances are needed, while another commenter believes that the aggregate data supports issuing allowances in all five years. Two commenters add together recent allowance use, reported reclamation amounts and the change in aggregate inventory to show an estimate of actual market demand for HCFC–22, though the commenters believe that their servicing need calculations support a zero allocation in 2015 and beyond. Three commenters believe EPA needs additional inventory data to proceed with its rulemaking, but also believe that EPA should issue zero allowances.

The agency's goal is to phase out the production of HCFC–22 by 2020, consistent with Title VI of the CAA and the long-standing regulatory phaseout date, not to remove all HCFC–22 from inventory by 2020. The statute does not specify the factors EPA is to consider in setting an allocation level, other than the applicable phaseout step. Existing inventory can be beneficial during a time of transition, allowing equipment owners more flexibility in planning and implementing their transition. The availability of HCFC–22 inventory after 2020 along with continued reclamation is important for allowing equipment owners to continue using their equipment after the production phaseout. However, EPA also recognizes that current inventory grew in 2013 and is higher than some in industry expected, which is one of several reasons why EPA is finalizing a 2015 allocation of 10,000 MT instead of 13,700 MT. Now that the inventory data is public, awareness as to the *scale* of existing inventory should help moderate potential price spikes and allow equipment owners to plan a thoughtful transition to alternatives.

Several commenters appear to be confused about how EPA considered inventory information in development of this rulemaking, as compared to the 2012–2014 Rule that issued allowances for 2012–2014. In the proposal covering 2012 through 2014, EPA considered the servicing need estimates from the Vintaging Model and made reductions to that number to derive a possible allocation that approximates the need for virgin HCFC–22, just as in the 2010–2014 Rule. For 2012 through 2014, EPA proposed to decrease annual allocations by 6,000 MT each year to account for existing inventory. In the fall of 2012, the agency estimated that inventory was between 22,700 MT and 45,400 MT, based on preliminary market research and industry feedback. The agency finalized the annual 6,000 MT reduction in the 2012–2014 Rule, thus lowering the aggregate allocation for 2012–2014 compared to the 2010–2014 Rule. EPA's intent was not to immediately deplete all inventory, as inventory can help provide for a smoother transition out of HCFC–22, but to draw out *some* of the inventory prior to 2015. In the 2015–2019 proposal, EPA specifically proposed to account for up to 10,000 MT of inventory under the estimation approach, which, unlike the linear approaches, is most similar to the allocation methodology EPA used in the 2010–2014 Rule and the 2012–2014 Rule.

In response to comments stating that EPA must consider prevailing market conditions and inventory held by entities from which it did not collect data, EPA explains above its different understanding of the role of inventory data in this rulemaking. The agency did not intend to allocate allowances at a level that would result in inventory being drawn down to zero immediately or even by 2020. The agency believes that the additional expenditure of effort, particularly the information collection burden imposed on industry, is not required to establish a reasonable and predictable allocation level for the final five years of the HCFC–22 phaseout.

EPA appreciates that many commenters believe additional HCFC–22 production and import is unneeded based on their position in the market. EPA's allocation considers the perspectives of both the end-users that need HCFC–22 to operate their equipment and the companies recovering and reclaiming HCFC–22, because both play an integral role in meeting EPA's policy objective of a smooth transition from HCFC–22. In particular, the capability of recovery and reclamation companies is an important consideration as reclamation decreases the need for new production, thereby allowing EPA to allocate fewer HCFC–22 allowances.

In response to comments about potential inventory held by grocery stores, apartment buildings, and other large end-users, EPA points out that inventory held by a building or supermarket in preparation for a possible leak is different from inventory in the supply chain. Inventory held by these large end-users is refrigerant that they intend to use, not sell. Therefore, this type of inventory is more like refrigerant already charged into a system than inventory in the supply chain (i.e. channel inventory) that will eventually be sold to an end-user. Equipment owners have this refrigerant on-hand in order to keep operating their system, whereas inventory in the supply chain is waiting for someone to purchase it.

Although existing stocks of HCFC–22 are important for meeting continued servicing need, EPA recognizes that too much existing inventory could be contrary to the agency's goal of a smooth transition to alternatives. Proper refrigerant management and a viable reclamation industry are also critical to a smooth transition, which is why EPA believes that a sufficiently low allocation is needed in order to encourage the use of some existing stocks and also to encourage—but not immediately force—transition. The final 2015 allocation of 10,000 MT is less than one-quarter of the modeled 2015 servicing need. By allocating well below the projected need for HCFC–22 each year, EPA is accounting for retrofitted equipment, recovery and reuse of refrigerant, use of reclaimed refrigerant, and existing inventory of virgin HCFC–22, in addition to realizing the benefits of a linear drawdown already discussed.

Twenty-seven commenters addressed market issues related to the supply or price of HCFC–22; most of these commenters believe the 2012–2014 Rule led to an oversupply in the market, with adverse effects on the reclamation and alternative-refrigerant industries. Several commenters assert that the 2012–2014 Rule led to a 50–60 percent decline in the price of HCFC–22 relative to the peak price reached in 2013, a decline in volume of returned used HCFC–22, a decline in reclamation and recycling, and an increase in volume of HCFC–22 being leaked or vented. One commenter, USA Refrigerants, states that their organization and other EPA certified reclaimers were negatively affected by the change in the price of HCFC–22 and the inability to provide high buyback prices for used refrigerant, which they said dropped to as low as $1.00 per pound. Another commenter, EIA, notes that the price of virgin HCFC–22 in 2011 was $4.50/pound but claims that the price needs to exceed $8/pound for reclaimed HCFC–22 to be competitive. One distribution company reports already seeing 50 percent less reclaimed material available to sell in 2014. On the other hand, Polar Technologies states that its internal analysis on the market dynamics of

HCFC–22 found no correlation between price and reclaim volume. The commenter asserts that as prices increase, hoarding occurs and reclamation decreases. As HCFC–22 prices jumped and supplies seemingly were shrinking, contractors were speculating and buying up cylinders to store material to hedge against the pending shortage.

Three commenters make statements on investments by the reclamation and alternative refrigerants industry. A-Gas RemTec notes that they invested in additional capacity for reclaimed refrigerants but have since halted this development as a result of the 2012–2014 Rule. A-Gas RemTec notes that other entities may also question committing to increased capacity in an unpredictable market, which could lead to a refrigerant shortage in future years. Another commenter, Hudson Technologies, asserts that the reclamation industry invested millions of dollars in infrastructure, but since the supply gap never materialized, reclamation has not grown. USA Refrigerants notes that companies that invested in alternative refrigerants saw prices for HCFC–22 plummet as a result of the 2012–2014 Rule, undercutting the sale of alternatives.

Six commenters are concerned about venting of HCFC–22, which they believe is perpetuated by an oversupply of HCFC–22 and the corresponding low value of the gas. Specifically, these commenters believe that a lower (or in some cases, zero) allocation would incentivize the use of reclaimed gas and better refrigerant management.

The agency believes the best way to encourage reclamation, as well as development and use of expanded reclaimer capacity, is to send a clear market signal: A substantial decrease in allocation in 2015 with a continued, but decreasing, allocation over all five years. Such a signal should encourage recovery and reclamation, while also giving equipment owners confidence that they can have access to refrigerant for their installed HCFC–22 equipment through 2020 and beyond. The linear drawdown starting at 10,000 MT should encourage more recycling and reclamation, without creating such dramatic market changes as to incentivize hoarding of used refrigerant. This approach has the lowest allocation in 2015 and 2016 of all options discussed in the proposed rule, which should encourage better refrigerant management practices, while a small, decreasing allocation in later years should allow for a smooth transition to zero in 2020. Compared to a 2014 allocation of 23,100 MT, a 2015 allocation of 10,000 MT should encourage proper refrigerant management and more reclamation; it should also encourage planning for a transition to alternative refrigerants without unnecessarily forcing equipment owners to immediately abandon their use of HCFC–22.

The agency views its final allocation as sending appropriate signals to the market by decreasing the HCFC–22 allowance allocation by almost sixty percent between 2014 and 2015. Further, by providing a predictable but declining number of allowances through 2019, the agency believes this final rule will give HCFC–22 equipment owners the information they need to choose between maintaining their HCFC–22 systems, retrofitting their existing systems, and purchasing new systems that rely on alternative refrigerants. EPA intends to strike a balance with the final allocation: A significant decrease from the 2014 allocation promotes alternatives, reclamation, and transition, while a non-zero allocation avoids stranding HCFC–22 equipment or forcing premature retrofits.

4. Timing of the Final Rule

Eighteen commenters urge EPA to finalize today's action as quickly as possible. They cite several reasons for expeditious action specific to the HCFC–22 allocation: To allow industry to properly plan and prepare for complying with the rule; to provide certainty and stability for business planning; and to minimize market disruption and foster a smoother transition during these final stages of the HCFC–22 phaseout. One of these commenters states that EPA is not acting quickly enough. AHRI specifically calls out the need for timely action as it relates to the HVAC market, a major use for HCFC–22, which will transition to new minimum energy efficiency standards on January 1, 2015. AHRI states that uncertainty in the HCFC–22 allocation adds complexity to this transition and that lack of knowledge regarding the HCFC–22 allocation could be detrimental to manufactures and small business owners.

On the other hand, RMS, New Era Group Inc., and ICOR International comment that EPA needs to update its models or obtain more accurate data prior to finalizing this rule. New Era Group Inc. suggests that the proposed rule be withdrawn and the NODA republished along with immediate steps to mitigate the serious damage to small companies, human health, and the environment. EPA does not see a need to re-propose or to publish another NODA. As discussed earlier in this notice, EPA does not believe it needs to gather additional data or to propose additional options. The agency believes the information it has at its disposal currently is sufficient to justify the significantly lower allocation of HCFC–22 as compared to the preferred option in the proposal, especially since finalizing a rule this year will support EPA's goal of a smooth transition to alternatives.

EPA appreciates the many comments stressing the value of a timely rulemaking in providing regulatory certainty to the market. The agency agrees that it can best realize its goal of a smooth transition to alternatives via a timely 2015–2019 rule, especially in the case of HCFC–22. In addition to a timely rule, the agency and many commenters believe a linear drawdown will also provide certainty and help stabilize the market by setting a straightforward, predictable schedule for the final years of the HCFC–22 phaseout.

B. What is the 2015–2019 HCFC–22 production allocation?

Since the start of the HCFC allocation program in 2003, the agency has determined the HCFC–22 production allocation in one of two ways. Under either method, EPA first determines the aggregate consumption allocation, divides by the aggregate baseline, and assigns the percentage of the consumption baseline accordingly. EPA describes this process in more detail in section II.B.

In the 2003–2009 Rule, and again in the 2010–2014 Rule, EPA allocated the same percentage of baseline allowances for production as it did for consumption. A company with a production baseline at 40 CFR 82.17 would simply multiply its baseline by the percentage listed at 82.16 to determine its calendar-year production allocation. However, in the 2012–2014 Rule covering 2012–2014, EPA provided a larger percentage of baseline and more HCFC–22 production allowances than it did for consumption. EPA amended section 82.16 to include two tables, one listing the baseline percentage for consumption and the other listing the percentage for production. As discussed in the 2012–2014 Rule, the reason for this change was to allow United States manufacturers to produce at the same level as under the 2010–2014 Rule (see 78 FR 20020).

For the 2015–2019 regulatory period, EPA proposed two options for the HCFC–22 production allocation: (1) Issue production allowances at the highest allowable level under the Montreal Protocol, or (2) provide approximately the same number of

production allowances as consumption allowances.

EPA noted that the first approach was its preferred option. EPA believes that allocating more production allowances than consumption allowances cannot lead to an increase in United States consumption and would not result in a global increase in production or consumption of HCFC–22; all countries' consumption are capped under the Montreal Protocol and presumably global production would be driven by market conditions. Allocating additional production allowances may have environmental benefits, to the extent that U.S. production displaces production in foreign plants that lack HFC–23 byproduct controls and destruction technologies. For more discussion on EPA's rationale for this approach, see the preambles for the 2012–2014 Final Rule (78 FR 20020) and the 2015–2019 Proposed Rule (78 FR 78089).

EPA received eight comments on how it will determine the HCFC–22 production allocation for 2015–2019. Comments from EIA, a private citizen, and Hudson Technologies stated that the industry or marketplace does not need any additional HCFC–22, and that EPA should not issue production allowances. Additionally, EIA believes that issuing production allowances is contrary to helping developing countries transition to low-GWP and zero-ODP technologies through the Multilateral Fund of the Montreal Protocol (which is the financial mechanism to help those Parties meet their Montreal Protocol obligations). Airgas is also against EPA's preferred option on the grounds that more production allowances for export will lead to further oversupply globally. Airgas believes that consumption and production allocations should be the same and should be set at zero or minimal levels. A private citizen supports cutting the production allocation to encourage a shift in U.S. production of ODS alternatives for export, instead of HCFC–22. The commenter acknowledges the importance of considering HFC–23 byproduct emissions, but thinks it is less important since HCFCs will be phased out globally.

DuPont and Honeywell commented in favor of EPA's proposal to allocate the maximum HCFC–22 production allowed under the Protocol after accounting for other HCFC production allocations. The commenters believe that more production for export could allow production from U.S. facilities to displace production from facilities abroad that may not control HFC–23 emissions, thus providing environmental benefits and reductions in GHG emissions. The commenters reference EPA's prior statements that allowing for additional U.S. production for export could not result in a domestic or global increase in consumption since HCFC producers are already limited by consumption allowance limits established under the Montreal Protocol. A third commenter supported a production allocation that is higher than allowed under the Montreal Protocol, starting at 25 percent of U.S. HCFC production baseline in 2015 (whereas the Montreal Protocol cap is 10 percent of baseline for all HCFCs).

In response to the five adverse comments on EPA's preferred option, the agency points out that allocating more production allowances than consumption allowances does not provide United States producers the opportunity to exceed their consumption allocation. Production of one kilogram of an HCFC still requires both a production allowance and a consumption allowance (82.15(a)(1), (2)). Allocating more production allowances than consumption allowances would provide United States producers the opportunity to continue production for export subject to existing regulatory constraints. A company must submit documentation to verify the export of an HCFC for which consumption allowances were expended in order to request a reimbursement of spent consumption allowances. The agency reviews the documentation and issues a notice to either deny or grant the request. Therefore, a company would not be able to produce more HCFC–22 unless it had exported an equal amount of material and been granted a refund of spent consumption allowances. To the extent that commenters support a lower production allocation to address concerns about U.S. consumption, EPA responds to those comments in Section VI.A. of this preamble.

In response to concerns about an increase in global consumption, EPA explained in the 2015–2019 Proposed Rule that allowing United States production allocation to be higher than the consumption allocation could not result in increased global consumption. Providing more production than consumption allowances could allow companies to continue exporting to non-Article 5 countries, which have the same overall Montreal Protocol phaseout schedule as the United States but may not use the United States' chemical-by-chemical approach to phasing out HCFCs. Also, consumption of HCFCs in Article 5 countries was capped starting in 2013, which further limits global HCFC–22 demand (*see* Montreal Protocol Art. 5, para. 8 *ter.*). Finally, at least one company holding production allowances does not produce HCFC–22 in the United States; therefore, it is unlikely that every production allowance issued will be used.[23] EPA is concerned that the alternative approach—issuing production allowances at the same level as consumption, instead of at the maximum level allowed under the cap—reduces flexibility for industry without a benefit to the environment.

EPA disagrees with EIA's comment that issuing production allowances is contrary to helping developing countries transition to low-GWP and zero-ODP technologies through the Multilateral Fund of the Montreal Protocol. The U.S. is committed to helping Article 5 Parties transition to non-ODP and low-GWP alternatives via the Multilateral Fund. Since HCFC consumption in Article 5 Parties was only capped starting in 2013, and because those Parties still have servicing needs for HCFC–22 in existing equipment, EPA does not see HCFC–22 exports during 2015 through 2019 as contrary to the goals of encouraging a transition to alternatives. Given that Article 5 countries are not required to completely phase out HCFCs until 2040, it is expected that demand for HCFC–22 will continue while low-GWP alternatives are developed and deployed to replace existing HCFC technologies.

As mentioned previously, EPA also believes that allocating more production allowances than consumption allowances could have environmental benefits if United States production displaces production at facilities that do not control byproduct emissions of HFC–23, which has a global warming potential of 14,800.[24] Comments on the 2015–2019 proposal cited the growth of HFC–23 emissions globally and indicated that facilities in Article 5 countries do not control HFC–23 emissions to the same degree as companies operating in the United States. EPA has historically worked with industry through its HFC–23

[23] Data submitted to the Greenhouse Gas Reporting Program on byproducts of the HCFC–22 production process indicate that only three of the four companies holding production allowances actually produced HCFC–22 in 2010, 2011 and 2012. While the non-producing allowance holder can transfer its allowances to another producer, the fact that they do not produce in the U.S. makes it unlikely that all calendar-year production allowances will be used.

[24] GWP of HFC–23 presented in the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report: Climate Change 2007 (AR4)

Emission Reduction Partnership to encourage companies to reduce HFC–23 byproduct emissions from the manufacture of HCFC–22. For further discussion see the 2015–2019 Proposed Rule at 78 FR 20021.

Based on the consideration of the comments, and for reasons discussed here, EPA is issuing the maximum number of HCFC–22 production allowances allowed under the Montreal Protocol cap, after accounting for production allocations of all other HCFCs provided under this rule. Starting in 2015, the United States production cap under the Montreal Protocol is 1,553.7 ODP-weighted MT. The final production allocations for HCFC–124 and HCFC–142b are 4.4 and 2.3 ODP–MT, respectively (see VI.E and VI.C, respectively), leaving the remainder of the cap available for HCFC–22 production. For 2015–2019, EPA is issuing 21.7% percent of HCFC–22 production baseline, which is approximately 28,000 MT of HCFC–22, as shown in the regulatory text at 82.16(a).

To put the 2015 cap in historical perspective, EPA issued 41,200 MT of HCFC–22 production allowances in 2013, 36,000 MT in 2014, and is only issuing 28,000 MT of HCFC–22 production allowances for each year from 2015–2019.

C. What is the 2015–2019 HCFC–142b consumption and production allocation?

The 2010–2014 Rule allocated 100 MT of HCFC–142b consumption allowances annually. When EPA re-established HCFC–22 and HCFC–142b baselines in the 2011 Interim Final Rule and 2012–2014 Rule, the HCFC–142b consumption allocation remained at 100 MT. Because the HCFC–142b production baseline was significantly higher than the consumption baseline, and the same percentage of baseline was used for both consumption and production, the production allocation became 463 MT per year in 2011–2014.

As discussed in the proposed rule, several HCFC manufacturers anticipate continued, albeit decreasing, sales of refrigerant blends containing HCFC–142b in 2015 and later. HCFC–142b is predominantly used in refrigerant blends that have historically served as replacements for CFC–12 and R–500 in medium- and large-sized refrigeration equipment. Some of these blends containing HCFC–142b, particularly R–409A, are in use today, but in small quantities. Because the volumes are very small, EPA does not model servicing need for equipment using these HCFC–142b blends. Refrigerant sales data collected by the California Air Resources Board,[25] along with industry feedback, confirm that there is some R–409A equipment still in use. For this reason, EPA proposed to allocate 35 MT of consumption allowances in 2015 with a decrease of 5 MT each year through 2019.

As stated in the proposed rule, a consumption allocation of 35 MT in 2015 is an appropriate balance between the 2010–2014 allocation of 100 MT, the actual consumption of HCFC–142b in recent years, and the reasonable assumption that R–409A is used mainly in retrofitted equipment designed for CFCs that is nearing expected retirement. With an annual decrease of 5 MT, the HCFC–142b allocation would be 15 MT in 2019 before going to zero in 2020. A decreasing allocation sends a stronger market signal that production and import of HCFC–142b are ending, as compared to a constant allocation in all five years. Such a signal will help encourage equipment owners to transition to equipment that uses non-ODS refrigerants, while also providing them with an opportunity and time to select alternatives that are more energy efficient. EPA is finalizing its proposed consumption allocations of 35 MT in 2015, 30 MT in 2016, 25 MT in 2017, 20 MT in 2018, and 15 MT in 2019. HCFC–142b consumption and production in 2020 will be zero based on EPA's chemical-by-chemical phaseout rule (58 FR 65018).

For production, EPA proposed issuing HCFC–142b production allowances at the same level as consumption, not the same percentage of baseline. Unlike HCFC–22 production, historic exports of HCFC–142b do not indicate a need for additional production allowances to meet export demands. EPA stated that it would consider issuing up to 100 MT of production allowances, even if the final consumption allocation is lower, if there is documented need for United States-produced HCFC–142b in other non-Article 5 countries; however, the agency has not received any such documentation. In this rule, EPA is finalizing its preferred allocation of 35 MT of HCFC–142b production allowances, decreasing by 5 MT per year through 2019.

EPA received five comments related to how it will determine the HCFC–142b allocation. Three comments support EPA's proposal to allocate 35 MT of HCFC–142b consumption allowances in 2015 with a decrease of 5 MT each year. Three commenters support EPA's proposal to issue production allowances at the same level as consumption, asserting that a lower percentage would discourage U.S. production and harm the U.S. economy. One commenter, Arkema, requests that EPA make the percentage allocations for HCFC–142b production allowances the same as the proposed percentage for consumption allowances, which would result in a higher absolute number of production allowances. As proposed, the rule would provide 35 MT of total production allowances, but for some companies, their production allowances would be much lower than their consumption allowances. Arkema argues that an individual company receiving fewer production allowances than consumption allowances would discourage U.S. production of HCFC–142b, resulting in both environmental and economic consequences. Another commenter, CIP, stated during the January 2014 public hearing on the proposed rule that they support issuing HCFC–142b allowances only through 2017 (instead of 2019) to enhance good handling, emissions control, and enforcement.

While one commenter recommends going to a three-year approach that stops providing consumption allowances for HCFC–142b in 2018, EPA did not propose that option and believes it may be too rapid for many of the same reasons EPA is not finalizing the 3-year approach for HCFC–22. A three-year approach would be contrary to long standing market expectations and EPA's goal of allowing equipment owners to realize the intended life of their equipment and plan a smooth, thoughtful transition to alternatives.

For production allowances, EPA does not agree that the percent allocations for consumption and production should be the same. The production baseline for HCFC–142b is substantially larger than the consumption baseline because of the baseline transfers made in 2008 and 2009. While one company transferred an equal number of its HCFC–142b baseline consumption and production allowances, a second company did not. As a result, the number of aggregate baseline consumption allowances is about 1/5th the number of aggregate baseline production allowances. Using the same percentage of baseline for HCFC–142b production as for consumption would result in more production allowances than consumption allowances. As discussed above, historic exports of HCFC–142b do not indicate a need for additional production allowances to meet export demands. For more history on these

[25] See *Preliminary 2011 and 2012 Sales and Distribution Data from the California Air Resources Board's Refrigerant Management Program* in the docket.

trades, see previous HCFC allocation proposed and final rules available at 76 FR 47451, 77 FR 237, and 78 FR 20004.

To address the commenter's concern that an individual company might not have the desired number of production allowances, EPA notes that it is allocating more HCFC–22 production allowances than consumption allowances. HCFC–22 production allowances can easily be transferred into HCFC–142b production allowances on a calendar-year basis. Alternatively, HCFC–142b allowance holders can seek to transfer allowances from another HCFC–142b production allowance holder to their company. Finally, EPA has allocated up to 10 percent of baseline in Article 5 production allowances that can be used to export domestically-produced HCFC–142b. Because of these flexibilities, EPA does not see a need to allocate additional HCFC–142b production allowances and is finalizing its proposed HCFC–142b production allocation of 35 MT in 2015, decreasing by 5 MT per year through 2019.

D. What is the 2015–2019 HCFC–123 consumption allocation?

HCFC–123 is currently used as a refrigerant and as a fire suppression agent, which are the two uses of non-feedstock virgin HCFCs permitted by section 605(a) of the CAA as of January 1, 2015. The agency proposed to issue consumption allowances to allow import for these two uses. For the 2010–2014 regulatory period, EPA issued approximately 2,500 MT of HCFC–123 consumption allowances each year, which is 125% of the HCFC–123 consumption baseline. EPA has never established a production baseline for HCFC–123, and the agency has no record of domestic production of HCFC–123 for refrigeration or fire suppression uses during the baseline years (2005–2007).

As stated in the proposal, section 605(b) of the Clean Air Act restricts production of any class II substance to 100% of baseline levels or less beginning on January 1, 2015. Section 605(c) requires that consumption of class II substances be phased out on the same schedule as production. The agency's reading of 605(b) and 605(c) together is that as of January 1, 2015, EPA may allocate no more than 100 percent of baseline for production or consumption of each class II substance. This milestone is part of the phaseout schedule contained in the CAA. EPA has accelerated the section 605 phaseout schedule for some HCFCs under the authority of section 606. Nevertheless, the 2015 milestone in section 605(b) is still relevant because it applies to each class II substance individually. This is in contrast to the basket approach contained in the Montreal Protocol. Under section 614(b), where there is a conflict between Title VI of the CAA and the Montreal Protocol, "the more stringent provision shall govern." With respect to individual substances, section 605 is more stringent. Thus, for the 2015 control period and beyond, EPA may not allocate more than 100 percent of baseline for any class II substance.

Under the current phaseout regulations, beginning in 2015, production and import of HCFC–123 is limited to servicing of existing refrigeration and air conditioning equipment only. In this rule, EPA is finalizing revisions to section 82.16(d) to allow production and import of HCFC–123 for non-residential, streaming fire suppression applications to complement section 605(a)(4) of the CAA (see section IV.B.3.) This exemption will end on December 31, 2019, because beginning in 2020, Article 2F of the Montreal Protocol restricts production and import of HCFCs to servicing of existing refrigeration and air conditioning equipment.[26] While virgin HCFCs can continue to be used in fire suppression applications, EPA does not intend to issue consumption allowances for fire suppression after 2019 because of this Montreal Protocol requirement. In addition, beginning January 1, 2020, section 605(a) of the CAA prohibits the use of virgin class II substances in the installation and/or manufacture of air conditioning and refrigeration systems. Any HCFC–123 consumption allowances issued after 2019 would only allow import of HCFC–123 for use as a refrigerant for servicing systems manufactured prior to January 1, 2020.

EPA's understanding is that much of the HCFC–123 refrigerant use today is to service and manufacture low pressure chillers. Given the expectation that these chillers can last for more than 20 years, EPA sought comment on whether it should provide a static amount of HCFC–123 allowances through 2019 at the maximum amount allowed by the CAA (100 percent of baseline), or whether it should begin to gradually reduce HCFC–123 allowances now to foster transition. EPA stated that it preferred to issue 100 percent of the HCFC–123 baseline. This approach would be consistent with the way EPA allocated HCFC–22 and HCFC–142b allowances prior to the 2010 prohibition on manufacturing new HCFC–22 and HCFC–142b appliances.

In considering allocation options, EPA looked at the projected need for virgin HCFC–123 for refrigeration and nonresidential fire suppression uses. EPA's modeled need for each of these uses is presented in the *2013 Servicing Tail Report*. In the proposed rule, EPA sought comment on the remaining refrigerant and fire suppression uses of HCFC–123, how much is needed, and why non-ODS alternatives could not meet this need. Based on data provided during the comment period, EPA provides an updated projection of HCFC–123 need in the *2014 Servicing Tail Report*.

EPA received nine comments regarding its proposed options for issuing HCFC–123 consumption allowances. Four commenters support EPA's preferred option to allocate 100 percent of the HCFC–123 consumption baseline. Two of these commenters assert that there is no commercially available alternative to replace HCFC–123 in low-pressure centrifugal chillers, and one commenter noted that its HCFC–123 alternative development strategy is based on the existing date of transition (2020) and requires significant chiller redesigns. One commenter believes that 100 percent allocation is necessary to support new chillers and those to be serviced in the future, and that allowing continued HCFC–123 allowances may prevent global warming because competitors' products typically use HFC–134a (which has a higher GWP than HCFC–123). One other commenter states that there is no need to decrease the allowances over time to ensure a smooth transition as the EPA will have the opportunity to issue allowances post 2019 to allow for servicing of existing equipment.

In an attachment to its comments, AMPAC makes the case for continued HCFC–123 production in 2020 and beyond, requesting that EPA consider an updated ODP of 0.0098 for the purposes of "analysis of environmental impact." This same commenter urged EPA to consider increasing the HCFC–123 allocation to 120 percent of baseline to provide flexibility in the market and benefits to users and the environment. The commenter states that their projected need for HCFC–123 allowances for nonresidential fire suppression is more than what is proposed in EPA's preferred allocation and the increased allocation they are recommending still falls well under the Montreal Protocol cap. Specifically, AMPAC believes that within section 605(b) and 605(c), there could be EPA

[26] Use of HCFC–123 that was imported prior to 2020, or that is used, recovered and recycled, is still allowed for use in fire suppression beyond January 1, 2020.

discretion, subject to meeting the HCFC cap, to increase the consumption allowance allocations for HCFC–123 in 2015–2019 beyond the values found in the baseline years (2005–2007). The commenter finds that exercising this discretion is appropriate given that the highest contemplated level of planned allocation of HCFC–22 allowances in the Proposed Rule still results in the U.S. being well below the Montreal Protocol cap. AMPAC also requests that EPA increase HCFC–123 allowances for 2015–2019 by 100 MT to account for higher than initially cited use for fire suppression.

Five other commenters state that EPA's preferred HCFC–123 allocation is too high. Three of these commenters believe that EPA's justification for its preferred allocation is deficient because commercially-viable alternatives exist for HCFC–123 in centrifugal chillers, such as Solstice-1233zd(E) (trans-1-chloro-3,3,3-trifluoroprop-1-ene) and HFC–134a. One commenter also noted that they have a chiller using HFC–134a that surpasses industry standards for energy efficiency. This commenter also believes that EPA has made no effort to encourage the development and use of alternatives for HCFC–123. Another commenter believes that EPA has given preferential treatment to an ODS that favors one manufacturer in the air conditioning business. Two other commenters support an allocation of less than 100 percent of the consumption baseline to account for recovery and recycling.

The isomer of HCFC–123 that is primarily used in fire suppression has an ODP of 0.02 under long-standing CAA regulations [27] and a GWP of 77. While EPA is aware of studies showing a lower ODP for HCFC–123, the specific ODP used for HCFC–123 does not affect the section 605(b) and (c) requirement to limit the production and consumption of each class II substance to at most 100 percent of baseline starting in 2015. The baseline is not ODP-weighted, so a change in the ODP would not change the amount that EPA could allocate. Additionally, the Montreal Protocol uses an ODP of 0.02, so EPA will continue to use that value. HCFC–123 has a lower GWP than some of the refrigerant alternatives available (e.g. HFC–134a with a GWP of 1,430). However, compared to a recently SNAP-listed alternative, Solstice-1233zd(E), HCFC–123 has both a higher ODP (0.02 vs. 0.00024–0.00034) and a higher GWP (77 vs. 4.7–7). Of note, Solstice-1233zd(E) equipment is still being commercialized, but should be available in the future.

EPA is not attempting to favor any type of equipment or any specific company with this allocation as some commenters have suggested. EPA does not have control over the number of manufacturers that use a particular chemical in their equipment. The agency is merely attempting to meet needs for HCFC–123 that are consistent with market projections, while also encouraging transition and the development of non-ODP and low-GWP alternatives.

Several commenters indicated that allocating 100 percent of baseline is counter to how the agency has handled other HCFCs. In response, EPA notes that handling HCFC–22 and HCFC–142b differently from HCFCs with lower ODPs has been a long-standing agency policy. While EPA could have accelerated the phaseout schedule for HCFC–123 as it did for HCFC–22 and HCFC–142b, it did not. In the 1993 proposed rule, EPA stated that "no change to the statutorily specified timetable would be imposed on HCFC–123 [. . .] because of [its] substantially shorter lifetime[] and lower ODP[]," (58 FR 15027). EPA continues to believe this logic is appropriate for the HCFC–123 allocation during the 2015–2019 time period. The agency is finalizing a consumption allocation of 2,000 MT, which is 100 percent of baseline, for the years 2015–2019.

Additionally, allocating 100 percent of baseline is consistent with how EPA handled the allocations of HCFC–22 and HCFC–142b prior to 2010. As of January 1, 2010, it became illegal to use virgin HCFC–22 or HCFC–142b in the manufacture of a new appliance. In 2003–2009, EPA allocated 100% of the HCFC–22 and HCFC–142b baselines right up until the prohibition on use in manufacturing took effect. In this final rule, EPA is taking similar action with HCFC–123 by allocating 100 percent of baseline up until the January 1, 2020, ban on using virgin HCFC–123 in the manufacture of appliances takes effect.

There is one important difference between how EPA is allocating allowances for HCFC–123 compared to HCFC–22 and HCFC–142b. In 2003–2009, EPA allocated more HCFC–22 and HCFC–142b consumption than estimated market need. In this rule, EPA is allocating fewer HCFC–123 consumption allowances than the amount of estimated market need. Allocating below EPA's estimate for market need, combined with the 2020 ban on the manufacture of new HCFC–123 appliances, should provide incentive to recover and recycle used refrigerants, as well as to transition to alternative non-ODS refrigerants, all while meeting anticipated market need.

E. What is the 2015–2019 HCFC–124 consumption and production allocation?

The primary use of HCFC–124 beginning January 1, 2015, will be in refrigerant blends. Though HCFC–124 has sterilant and fire suppression applications that are listed as acceptable under the SNAP program, EPA is adopting only a narrow *de minimis* exemption to the CAA section 605(a) use prohibition for the use of virgin HCFCs as sterilants, and there are no remaining commercial applications of HCFC–124 fire suppression products. Several refrigerant blends with HCFC–124 are listed as acceptable by the SNAP program: R–401A, R–401B, R–409A, R–414A, R–414B, R–416A and others. Given EPA projected some continued use of certain refrigerant blends containing HCFC–124, the agency proposed to issue HCFC–124 allowances in 2015–2019. As mentioned in the proposal, the Servicing Tail Report likely does not capture all current uses of HCFC–124 refrigeration equipment.

EPA proposed to allocate both consumption and production at the level of 200 MT. However, the agency requested comments on a lower allocation of as few as 4 MT of HCFC–124 consumption and production allowances, consistent with the Servicing Tail Report projections. While not the preferred allocation, EPA said it would consider a lower allocation if commenters could provide evidence that the allocation should be that low. Similarly, EPA requested data from commenters in support of allocating up to 400 MT of HCFC–124 consumption and production allowances. The agency also sought comment on the transition or retrofit plans of equipment owners, and for how long they expect to need virgin HCFC–124.

The agency received five comments about the HCFC–124 allocation. Two companies support EPA's proposal to allocate 200 MT of production and consumption allowances; one of these commenters believes that 200 MT of consumption and production allowances would allow for continued use of refrigerants containing HCFC–124 while limiting the growth of this market as the industry transitions to non-ODS refrigerants. One commenter believes the agency failed to account for exports in their allocation, and thus allowances should be either 400 MT for production and 200 MT for consumption or 400 MT for both production and consumption, if the agency prefers to allocate the same

[27] *See* Appendix B to 40 CFR Part 82 Subpart A.

quantity of production and consumption allowances.

Two commenters do not support the proposed allocation. EIA asserts that EPA's proposal is not based on real demand. EIA states that if the major use for HCFC–124 is as a sterilant blend that will be banned under the CAA in 2015, and the estimated need from the Vintaging Model is so low, without taking into account recovery and reuse of any of the refrigerant nor potential stockpiles, there is no reason to allocate any more production or consumption. NRDC commented that HCFC–124 allowances should not be set higher than 4 MT per year—i.e., the level estimated by the Vintaging Model—to foster markets in recycling and safer alternatives.

Commenters opposed to EPA's preferred allocation of 200 MT cite the Servicing Tail Report and the prohibition on the use of HCFC–124 as a sterilant, combined with the need to encourage recovery and reclamation, as justification for a lower allocation. As EPA stated in the proposal, niche refrigerant blends with low servicing need, like R–409A, are not typically modeled. R–409A is predominantly used as a replacement for CFC–12 and R–500 in medium- and large-sized refrigeration equipment. Included in the docket with the proposed rule is *Preliminary 2011 and 2012 Sales and Distribution Data from the California Air Resources Board's Refrigerant Management Program.* This document shows that in California alone, the amount of HCFC–124 included in blends sold in 2012 totaled more than 40 MT—well above the amount modeled in the Servicing Tail Report. If use were proportional to population, a California value of 40 MT would imply approximately 330 MT of HCFC–124 for the entire U.S. in 2012.[28] This level would then be expected to decrease by 2015; a linear decrease from 2012 to zero in 2020 would bring this amount to 206 MT in 2015. Based on these data and comments from stakeholders, allocating an amount lower than 200 MT for consumption throughout the entire U.S. may not meet the servicing need for equipment containing HCFC–124 refrigerant blends. EPA notes that 200 MT is a greater than 90 percent reduction from the 2014 consumption and production allocation levels for HCFC–124. For reference, the 2014 consumption and production allocations are roughly 3,000 MT and 5,000 MT, respectively.

[28] Population data from *http://www.census.gov/popest/data/state/totals/2013/index.html.*

One commenter also requests that EPA increase production allowances to allow for export of HCFC–124. After reviewing recent export data to both Article 5 and non-Article 5 countries, EPA concludes the preferred allocation of 200 MT of production, combined with Article 5 allowances, should provide an adequate amount of flexibility. Article 5 allowances for HCFC–124 will be approximately 400 MT in 2015–2019, ten percent of the aggregate HCFC–124 production baseline. If additional production allowances are needed to allow for export, companies can transfer HCFC–22 production allowances into HCFC–124 production allowances or Article 5 allowances for HCFC–22 into Article 5 allowances for HCFC–124. As discussed in Section VI.B of the preamble, EPA is allocating a greater number of HCFC–22 production allowances than HCFC–22 consumption allowances.

Based on industry feedback and public comments on the needs and uses of HCFC–124, and the use of HCFC–124 consumption allowances in recent years, EPA is finalizing its proposal to allocate 200 MT of HCFC–124 consumption and production allowances each year between 2015 and 2019. EPA's goal is to ensure that servicing needs can be met, while also encouraging recovery and reuse or transition to non-ODS refrigerant blends. An allocation of 200 MT supports this goal.

F. How is EPA addressing the end of the HCFC–141b exemption program?

The HCFC–141b exemption program has been in place since the start of the HCFC allowance program in 2003. In the preamble to the 2010–2014 Rule, EPA stated that the petition process for HCFC–141b exemption allowances at 40 CFR 82.16(h) would end in 2015, since HCFC–141b is not used as a refrigerant and thus does not meet the criteria established by section 605(a) for continued use. HCFC–141b similarly is not used as a fire suppression agent and therefore would not be covered by the recent modification to CAA section 605(a). EPA proposed to remove the HCFC–141b petition process from 40 CFR 82.16(h) effective January 1, 2015.

EPA received only one comment on HCFC–141b. The commenter supports EPA's proposal to remove the petition process from the regulations, thereby eliminating unnecessary use of HCFC–141b and facilitating a smooth transition to alternatives. The agency is finalizing its proposal to remove the petition process for HCFC–141b exemption allowances at section 82.16(h) from the regulations and is terminating the HCFC–141b exemption allowance program, effective January 1, 2015.

G. Other HCFCs That Are Class II Controlled Substances

EPA has not established baselines or issued allowances for the production or import of HCFCs that are not included in the tables at 40 CFR 82.16(a). The prohibitions in 40 CFR 82.15(a) and (b) on production and import without allowances do not apply to such HCFCs. However, the phaseout schedule in 40 CFR 82.16 applies to all class II substances, whether or not they are governed by the allowance system. Similarly, all class II substances are subject to the restrictions on introduction into interstate commerce and use contained in 40 CFR 82.15(g). HCFCs that EPA has listed as class II controlled substances are identified in appendix B to subpart A.

Beginning January 1, 2015, the use of all class II substances is banned, unless specifically exempted (see section IV.B. of this preamble for more details). EPA sought comment on whether any of the HCFCs not governed by the allowance system qualify for the nonresidential fire suppression and/or refrigeration servicing exemptions and what quantity the market would need going forward for these purposes. Should the need for any of these chemicals grow, EPA would consider establishing baselines and allocating calendar-year allowances via a separate rulemaking. EPA received no comments on the production, import, or use of HCFCs not governed by the allocation system.

Also, as proposed, EPA is amending the list of class II controlled substances in appendix B of subpart A to better match the lists in Clean Air Act section 602 and the Montreal Protocol (Group I, Annex C). Both the Protocol and CAA section 602 include all isomers of listed substances, but 40 CFR part 82, subpart A, appendix B has not included all isomers, only those that are specifically named (e.g., HCFC–141b is listed as such, but there are other isomers of HCFC–141b, namely HCFC–141 and HCFC–141a, that are not included in appendix B).

CAA section 602 states that EPA "shall publish" a list of class II substances that shall include the specified HCFCs and "shall also include the isomers" of those substances. EPA's intent was to list all isomers in appendix B, as indicated by the footnote explaining that when a range of ODPs is listed for a chemical, the range applies to an isomeric group. EPA proposed a change to correct this omission and did not receive any adverse comment. Therefore, EPA is reconciling the

statutory and Montreal Protocol lists with the list in the regulations by adding a footnote to 40 CFR part 82 subpart A appendix B stating that the appendix includes all isomers of a listed chemical, even if the isomer itself is not listed on its own.

VII. Other Adjustments to the HCFC Allocation System

A. What is EPA's response to comments on dry-shipped HCFC–22 condensing units?

Condensing units are a type of component in split system air conditioners. Under current regulations, the sale or distribution of a condensing unit pre-charged with HCFC–22 is prohibited (40 CFR 82 subpart I); however, a dry-shipped unit may be sold and used to repair an existing system that uses HCFC–22 as the refrigerant. In February 2011, the Carrier Corporation sent a letter to EPA asking the agency to ban this particular type of repair. In the proposed rule providing 2012–2014 HCFC–22 allocations (77 FR 237, January 4, 2013), EPA took comment on whether repairs using dry-shipped condensing units affect the phaseout of HCFC–22. The agency received numerous comments, and responded to them in the 2012–2014 Rule. While many comments discussed dry-shipped condensing units, very few provided EPA any additional data or information to indicate that repairs using condensing units affect the HCFC phaseout. In the proposed rule to today's action the agency again sought quantifiable information on the number of dry-shipped condensing units being shipped, whether they are being used as a repair in lieu of a compressor or motor replacement, and whether and to what extent condensing unit replacements extend the life of an existing system. Most comments focused on the merits of banning or not banning the manufacture, sale, or installation of dry-shipped condensing units. That action is beyond the scope of this rulemaking. While EPA did not propose a ban on dry-shipped condensing units in the 2015–2019 proposal, the agency is summarizing and responding to comments on dry-shipped units in the *Response to Comments* found in the docket.

EPA's purpose in requesting comment on this topic was to gain additional data. Since the agency did not receive quantifiable data, particularly on the number of dry-shipped HCFC–22 condensing units shipped in the past several years, EPA intends to exercise its authority under CAA section 114 to collect additional information in order to confirm shipment trends between January 1, 2008, and January 1, 2015. After reviewing this data, EPA intends to consider whether additional regulatory action is appropriate to meet the goals of CAA Title VI.

B. How is EPA treating requests for additional consumption allowances in 2020 and beyond?

The regulations at 82.20(a) allow a person to obtain consumption allowances equivalent to the quantity of class II controlled substances that the person exported during the control period, provided that the substances were originally produced or imported with consumption allowances. The exporter must submit certain information to EPA which the agency reviews before either granting or denying the request for additional consumption allowances. Historically, a person could submit this request (known as a Request for Additional Consumption Allowances, or RACA) upon export of any HCFC for which consumption allowances were originally expended, regardless of what control period the production or import took place.

EPA proposed to modify the RACA regulations in light of the approaching phaseout deadlines for certain HCFCs. For example, consider 1,000 kg of HCFC–22 that is produced in 2019 using consumption and production allowances. Under the previous regulations, in 2020 or later, that material could be exported and that exporter would have been eligible to request 1,000 additional HCFC–22 consumption allowances. However, there will not be any consumption allowances for HCFC–22 in 2020 or subsequent years. Therefore, the agency proposed to clarify the RACA regulations.

Specifically, EPA proposed to add the requirement that both the export and the request for additional consumption allowances must occur in a year in which consumption allowances were issued. Such clarifying language about RACA eligibility already exists for class I controlled substances. EPA did not receive any adverse comments on this clarification and is finalizing the proposed text at 82.20(a).

The agency did receive one comment from the Alliance for Responsible Atmospheric Policy supporting EPA's proposal to not issue any additional consumption allowances after consumption of a particular chemical has been entirely phased out. The Alliance also stated that it supports requiring the export of HCFCs and the request for additional consumption allowances to occur in the same year as the consumption allowances were expended. EPA is clarifying here that use of consumption allowances to produce or import HCFCs may still occur in one year, with export and the RACA occurring in a subsequent year, so long as export and the RACA occur in a year prior to the complete phaseout of that particular HCFC.

C. What is EPA's response to comments on maximizing compliance with HCFC regulations?

In the proposed rule, EPA requested comments and suggestions for ensuring compliance with HCFC regulations. The 2015 stepdown and the approaching phaseout of HCFC–22 may affect prices, which could increase the incentive for illegal activity, particularly illegal imports of HCFCs or HCFC blends. On the other hand, the agency believes that reduced allocations and market changes increasing the value of the material will encourage proper recovery and decrease motivation to vent HCFCs, especially HCFC–22. EPA sought comment on how it could alter existing regulations to encourage compliance with the HCFC phaseout requirements and section 608 refrigerant regulations. In addition, the agency was interested in ways it could increase awareness and ensure compliance with the section 605(a) use restrictions and the section 611 labeling requirements that will begin in 2015.

EPA received nine comments providing suggestions on how the agency can maximize compliance with HCFC regulations. Several commenters suggested increased educational efforts on regulatory requirements and the consequences of non-compliance for distributors, contractors, and homeowners. Other commenters asserted that the best way to maximize compliance is to bolster the reclamation industry.

Two commenters noted the importance of addressing illegal trade, especially as the availability of HCFC–22 declines. One commenter suggested increasing the efficiency of the current import and export documentation practices by either requiring electronic transfer/acceptance of documents prior to shipments arriving at the port/border or by creating a license system for HCFC imports similar to what already exists in some countries.

Other suggestions for maximizing compliance with HCFC regulations include: Implementing additional recordkeeping requirements for contractors, similar to those of system owners; reducing leak rate requirements from the current 35% per year and reducing the size of the systems subject

to recordkeeping and leak rate requirements to below 50 lbs.; returning to the excise tax that was used for CFCs during its phaseout; establishing a system for regulating the venting of appliances and residential units during maintenance and installation; and enforcing a fixed price support that can provide incentives to contractors for recovery and provide stability and sufficient volume to support the reclamation industry.

EPA appreciates stakeholders' thoughts on ways to maximize compliance with the HCFC regulations. With respect to educational materials, EPA has several guidance documents and FAQs on HCFC–22 on its Web site at: *http://www.epa.gov/ozone/title6/phaseout/classtwo.html,* as well as guidance on labeling requirements, found in the docket and at: *http://www.epa.gov/ozone/title6/labeling.* In addition, EPA has a list of previous enforcement actions on its Web site at: *http://www.epa.gov/ozone/enforce.* The agency also encourages stakeholders to share any of this information with their clients, members, or fellow industry stakeholders.

The agency also is committed to preventing illegal trade of HCFCs, and works closely with colleagues at Customs and Border Protection (CBP), as well as Homeland Security Investigation (HSI). In addition, EPA is participating in the greater International Trade Data System (ITDS) initiative to leverage the benefits of a single-window Automated Commercial Environment (ACE). The transition to broker import filings in ACE is expected to play an important role in EPA's ability to proactively examine data associated with imports of HCFCs. For more information see *http://www.itds.gov/xp/itds/toolbox/background/background.xml* and CBP's **Federal Register** Notice from December 2013 on the ODS ITDS pilot (78 FR 75931). Under this pilot, "pre-approved importers" will be automatically checked and their imports released. This helps ensures compliance with import regulations, while expediting the import process. EPA notes the greater ITDS efforts should address some of the issues raised by the commenter suggesting EPA restructure the import and export documentation requirements.

The agency is appreciative of the other recommendations submitted by commenters and will consider whether it is appropriate for the agency to take additional regulatory action.

VIII. Modifications to Section 608 Regulations

The portion of the stratospheric ozone regulations titled *Recycling and Emissions Reduction* (40 CFR part 82 subpart F) contains requirements promulgated under CAA section 608. The requirements under section 608 are intended to reduce emissions of class I and class II refrigerants and their substitutes to the lowest achievable level by, among other things, designing standards for the use of refrigerants during the service, maintenance, repair, and disposal of appliances. (See 40 CFR 82.150).

To support this goal, EPA is finalizing several updates to its reclamation requirements. Specifically, EPA is finalizing its proposal (1) to require a reclaimer to notify EPA when there is a change in business management, location, or contact information and (2) to require disaggregated information for all reclaimed refrigerants as part of the annual reporting. EPA is not finalizing its proposed incorporation by reference of AHRI 700–2012 at this time due to the ongoing review of the standard by a joint ASHRAE and AHRI research group.

A. Overview of Current Reclamation Standards

Recovered refrigerant often contains contaminants, including air, water, particulates, acids, chlorides, high boiling residues, and other impurities. Reclamation is the re-processing and upgrading of a recovered controlled substance through such mechanisms as filtering, drying, distillation, and chemical treatment in order to restore the substance to a specified standard of performance. EPA's definition of reclaim at 40 CFR 82.152 refers to specifications in appendix A to 40 CFR part 82, subpart F that are based on ARI Standard 700–1995, *Specification for Fluorocarbons and Other Refrigerants.* A used refrigerant may not be sold, distributed or offered for sale or distribution, unless certain requirements have been met; one such set of requirements provides in part that the used refrigerant must be reclaimed to the purity level specified by the regulations and its purity must be verified (see 40 CFR 82.154(g)(1)).

Additionally, reclamation companies must meet certain EPA certification requirements to become a reclaimer and must satisfy recordkeeping and reporting requirements, including reporting annually on the amount of ODS refrigerant that they reclaim (see 40 CFR 82.164 and 82.166(g–h)).

B. Benefits of Reclamation

Proper recovery, recycling or reclamation, and reuse of HCFC–22 and other ODS refrigerants is an essential component of stratospheric ozone protection. Refrigerant reuse is preferable to venting or destruction. Recovery and reuse reduces emissions of HCFCs to the atmosphere. Reuse also reduces the amount of virgin material that needs to be produced. Section 608(c) of the CAA contains certain prohibitions on knowingly venting or releasing HCFCs during maintenance, service, repair, or disposal of an appliance and EPA regulations require that HCFCs be recovered during service or disposal of appliances (see 40 CFR 82.154 and 82.156).

Recovery and reuse is becoming increasingly important as the United States continues its progress in the phaseout of ODS. As discussed earlier in this preamble, EPA is reducing the number of HCFC–22 consumption allowances provided in 2015 by almost 60 percent relative to 2014. Reclamation will continue to be a key component of a smooth transition from HCFC–22 to non-ODS alternatives.

C. What regulatory changes is EPA finalizing under CAA section 608?

1. Consideration of AHRI 700–2012 Standards

In the proposed rule, EPA sought comment on revising the reclamation standards in appendix A of 40 CFR subpart F to incorporate by reference the current version of the ARI (now AHRI) Standard 700–2012, including addenda added in August 2008 and August 2012 (*AHRI 700C–2008: Appendix C to AHRI Standard 700-Analytical Procedures for AHRI Standard 700–06* and *AHRI 700D–2012: Appendix D Gas Chromatograms for AHRI Standard 700–2012-Informative,* all three of which are included in the docket). While EPA would prefer to update the standards to use the most current industry best practices, the agency is not finalizing its proposal to incorporate the AHRI 700–2012 standard at this time because of concerns about the 40 ppm limit for unsaturated contaminants (unsaturates).

EPA received ten comments related to the adoption of AHRI Standard 700–2012. Six comments oppose the adoption of AHRI Standard 700–2012 at this time, stating that the specification of 40 ppm limit for unsaturates will cause undue hardship to the reclamation industry since most reclaimers do not have the capability to detect contamination at this level. One comment opposing the change is signed by ten companies. Commenters also

note that studies and testing are ongoing and EPA should wait until they are complete before adopting the new standard to ensure the unsaturates limit is appropriate for HVACR equipment performance. One commenter believes that any new standard will need to be phased in over a five-year period to give companies ample time to adapt. Another commenter recommends that reclaimed refrigerant collected and processed in the U.S. that is not mixed or blended with new refrigerants be exempt from the unsaturates specification in the AHRI Standard 700–2012. The commenter notes that a significant quantity of reclaimed refrigerant that would have passed the previous AHRI standard would fail this new standard.

Five commenters support the adoption of AHRI Standard 700–2012, stating that it reflects the most up to date testing procedures which have already been recognized and adopted by the industry since 2006. Two commenters strongly recommend that EPA institute a process by which it will adopt future versions of the AHRI standard in a timely manner. Since an AHRI and ASHRAE joint research project has not yet concluded its assessment of the appropriateness of the 40 ppm limit for unsaturates, EPA is not finalizing its proposed revision to appendix A and the definition of "reclaim" at this time. Once the research project, *Effect of Unsaturated Fluorocarbon Contaminates on the Reliability and Performance of HVACR Equipment,* is completed, EPA will reassess how to proceed.

2. Notification to EPA of Changes to Business Management, Location, or Contact Information

Reclaimer certification does not transfer when there is a change in ownership. Section 40 CFR 82.164(f) requires the new owner of the reclamation company to certify with EPA within thirty days of the change of ownership; however, there are no provisions that a reclamation company must notify EPA of changes in business management, location, or contact information for the refrigerant manager who communicates with EPA. EPA believes that notification of changes in business information would improve accountability and benefit reclaimers in the long run. Without accurate information, EPA may not be able to communicate with a reclaimer in a timely manner. Additionally, as a benefit to the public, the agency wants to ensure that its Web site listing certified reclaimers and their contact information is accurate. All of the comments received on the proposed change were supportive, EPA is finalizing its proposal to require notification from the reclaimer when there is a change in business management, location, or contact information. The change will appear at 40 CFR 82.164(f).

3. Reporting and Recordkeeping Requirements

Currently, 40 CFR 82.166(h) requires that reclaimers, on an annual basis, report how much material was received for reclamation, the mass of refrigerant reclaimed, and the mass of waste product generated as a result of reclamation activities. However, the regulations do not clearly state that reported information must be broken down by refrigerant type. Some reclaimers do submit information broken down by refrigerant, and EPA typically asks for refrigerant-specific information when it is not provided. EPA uses this information as part of its review of refrigerant supply to help ensure the continued smooth transition out of ODS refrigerants. The agency believes it is essential for EPA and the public to have accurate information concerning the amounts of specific types of refrigerants that are available from reclaimers for reuse.

All comments received on the proposal were supportive of EPA's proposed change. EPA is finalizing its proposal to require disaggregated information for all reclaimed refrigerants as part of the annual reporting. The revision will appear at 40 CFR 82.166(h). The agency believes that this proposed change will clarify what information it needs from reclaimers up front, and will alleviate the need for additional back-and-forth between EPA and reclamation companies that in the past were not submitting refrigerant-specific data, thereby potentially reducing burden associated with reporting for those companies.

4. Other Section 608 Reclamation Program Options

EPA also sought comment on whether the agency should initiate a rulemaking that would require (1) reporting of inventory information from reclaimers and on the possibility of future reporting and recordkeeping changes that would help minimize emissions and facilitate a smooth transition away from ODS, (2) a more robust reclaimer certification application, and (3) expanded end product testing. EPA appreciates the diverse comments that were received and will consider those comments as it determines whether to take additional action in future.

5. Other Issues Related to Section 608's National Recycling and Emissions Reduction Program

EPA also received a comment in support of a petition that EPA recently received from the Alliance dated January 31, 2014, requesting that the agency initiate rulemaking to extend the section 608 refrigerant management regulations to hydrofluorocarbons (HFCs) and other substitutes for class I and class II ODS. The Alliance cites section 608(c)(2) of the CAA as authority. While action on this petition is beyond the scope of this rulemaking, EPA is actively considering the merits and environmental benefits of this petition under a separate process. A copy of the petition is included in the docket for this rulemaking as a reference.

IX. Statutory and Executive Order Reviews

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a "significant regulatory action" since it raises "novel legal or policy issues." Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011) and any changes made in response to OMB recommendations have been documented in the docket for this action.

EPA did not conduct a specific analysis of the benefits and costs associated with this particular action because many previous analyses provide a wealth of information on the costs and benefits of the United States ODS phaseout, and specifically the HCFC phaseout:

- The 1993 *Addendum to the 1992 Phaseout Regulatory Impact Analysis: Accelerating the Phaseout of CFCs, Halons, Methyl Chloroform, Carbon Tetrachloride, and HCFCs.*
- The 1999 Report *Costs and Benefits of the HCFC Allowance Allocation System.*
- The 2000 Memorandum *Cost/Benefit Comparison of the HCFC Allowance Allocation System.*
- The 2005 Memorandum *Recommended Scenarios for HCFC Phaseout Costs Estimation.*
- The 2006 ICR *Reporting and Recordkeeping Requirements of the HCFC Allowance System.*
- The 2007 Memorandum Preliminary Estimates of the

Incremental Cost of the HCFC Phaseout in Article 5 Countries.

• The 2007 Memorandum Revised Ozone and Climate Benefits Associated with the 2010 HCFC Production and Consumption Stepwise Reductions and a Ban on HCFC Pre-charged Imports.

A memorandum summarizing these analyses is available in the docket.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations at 40 CFR part 82, subpart A under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0498.

While this rule modifies the recordkeeping and reporting regulations, it does not increase the information collection burden. The changes are as follows: (1) Requiring reclaimers to provide updated contact information and (2) requiring reclaimers to provide the amount of each refrigerant reclaimed in their annual reporting. These changes reflect customary business practices and therefore do not affect information collection burden. In both of these cases, EPA is modifying the regulations so they align with current practices. EPA has posted to the docket and submitted to OMB completed an Information Collection Request (ICR) Change Worksheet, documenting the changes and their non-effect on the collection burden. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this rule on small entities, a small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. This action will potentially affect the following categories:

—Industrial Gas Manufacturing entities (NAICS code 325120), including fluorinated hydrocarbon gas manufacturers and reclaimers;
—Other Chemical and Allied Products Merchant Wholesalers (NAICS code 424690), including chemical gases and compressed gases merchant wholesalers;
—Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing entities (NAICS code 333415), including air-conditioning equipment and commercial and industrial refrigeration equipment manufacturers;
—Air-Conditioning Equipment and Supplies Merchant Wholesalers (NAICS code 423730), including air-conditioning (condensing unit, compressors) merchant wholesalers;
—Electrical and Electronic Appliance, Television, and Radio Set Merchant Wholesalers (NAICS code 423620), including air-conditioning (room units) merchant wholesalers;
—Plumbing, Heating, and Air-Conditioning Contractors (NAICS code 238220), including Central air-conditioning system and commercial refrigeration installation, HVACR contractors;
—Refrigerant reclaimers, manufacturers of recovery/recycling equipment, and refrigerant recovery/recycling equipment testing organizations;
—Fire Extinguisher Chemical Preparations Manufacturing (325998); Portable Fire Extinguishers Manufacturing (339999); Other Aircraft Parts and Auxiliary Equipment Manufacturing (336413);
—Surgical Appliance and Supplies Manufacturing (339113); Ophthalmic goods manufacturing (339115); General Medical and Surgical Hospitals (622110); Specialty (Except Psychiatric and Substance Abuse) Hospitals (622310);
—Entities Performing Solvent Cleaning, (including but not necessarily limited to NAICS subsector codes 332 and 335).

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the rule on small entities." 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

Without allowances for the 2015–2019 regulatory period, existing regulations would prohibit the production and import of HCFCs. Since the direct result of this final action is to allocate HCFC allowances for production and import, thereby relieving a prohibition, the direct effects of this final decision are not a potential burden to small business. EPA's HCFC Phaseout Benefits and Costs Memo, included in the docket for this rulemaking, provides a summary of previous small business analyses. Though EPA certified in the proposal that this rulemaking would not have a significant impact on a substantial number of small entities, EPA completed an economic screening analysis prior to development of this final rule, titled, "Economic Impact Screening Analysis for Proposed Adjustments to the Allowance System for Controlling HCFC Production, Import and Export" (Screening Analysis). EPA's Screening Analysis, which is available in the docket, shows that the HCFC allocation for 2015–2019 is expected to have a net economic benefit to the small businesses that are directly impacted by this rulemaking. Therefore, EPA continues to believe that this rulemaking does not have a significant impact on a substantial number of small entities.

Although this final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. The agency is also aware that there is substantial interest in this rule among small entities, particularly recovery and reclamation companies and HVACR distributors and wholesalers. In light of this interest, on January 31, 2014, one week after the January 23 public hearing, EPA participated in a Small Business Administration Environmental Roundtable on the proposed HCFC–22 allocation options and discussed the proposal with small business attendees.

The presentation from that roundtable is available in the docket. As explained during the roundtable, if a small entity will have obligations imposed on them directly by the rule then the potential impact on those small entities should be included in the RFA screening analysis. The direct effect of this rulemaking is to issue allowances that allow for continued production and import of a salable commodity. Allowances for production and import of four HCFCs in 2015–2019 are being issued to baseline allowance holders, including both large and small businesses.

The January 31 roundtable had approximately 20 participants, representing both small and large businesses. The small businesses in attendance did not have a uniform position on the size of the HCFC–22 allocation. Some spoke in support of a zero allocation; other small businesses or organizations representing small businesses spoke out against a zero allocation, stating the importance of market certainty and a continued HCFC–22 allocation for their business planning needs.

EPA received two written comments on the RFA. One commenter stated that RFA and SBREFA issues have not been met because the agency's statement that this action does not have a significant economic impact on a substantial number of small entities applies to allowance holders. The commenter writes, "this rule alters or changes other elements of 40 CFR Title VI, Section 608 and 609." EPA assumes the commenter meant 40 CFR part 82, and is then referring to Clean Air Act Title VI, specifically sections 608 and 609. EPA is not taking any action under CAA section 609 in this rulemaking. EPA is finalizing two minor changes to recordkeeping and reporting provisions in 40 CFR part 82 subpart F under the authority of CAA section 608; however, these changes do not increase burden and may in fact lessen burden on small reclamation businesses by ensuring that businesses that have already reported do not have to spend additional time responding to follow-up requests from EPA. These changes also ensure that EPA can reach businesses in a timely manner with any necessary information.

The other commenter claims that EPA has not given due diligence to its obligations under the RFA to ensure that the rule does not inflict undue financial burden on small businesses. As explained above, the direct result of this final action is to allocate HCFC allowances for production and import, thereby relieving a prohibition; thus, the direct effects of this final decision are not a potential burden to small business. EPA explains the considerations and rationale for its final HCFC–22 consumption allocation in section VI.A. of this preamble.

I have therefore concluded that today's final rule will relieve regulatory burden for directly affected small entities.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. UMRA does not apply to rules that are necessary for the national security or the ratification or implementation of international treaty obligations. This rule implements the2015 milestone for the phase-out of HCFCs under the Montreal Protocol. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action apportions production and consumption allowances and establishes baselines for private entities, not small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action is expected to primarily affect producers, importers, and exporters of HCFCs. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited, but did not receive, comment from State and local officials on this issue.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action does not significantly or uniquely affect the communities of Indian tribal governments. It does not impose any enforceable duties on communities of Indian tribal governments. Thus, Executive Order 13175 does not apply to this action.

Although Executive Order 13175 does not apply to this action, EPA participated in a National Tribal Air Association conference call hosted by EPA regarding EPA air policy. EPA provided a summary of the proposed rule, the importance of protecting and restoring the stratospheric ozone layer, and how the 2015–2019 rule would further the goals of the HCFC phaseout. EPA provided contact information and offered to answer any specific questions following the call or at any point in the future.

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

This action is not subject to EO 13045 (62 F.R. 19885, April 23, 1997) because it is not economically significant as defined in EO 12866. The agency nonetheless has reason to believe that the environmental health or safety risk addressed by this action may have a disproportionate effect on children. Depletion of stratospheric ozone results in greater transmission of the sun's ultraviolet (UV) radiation to the earth's surface. The following studies describe the effects of excessive exposure to UV radiation on children: (1) Westerdahl J, Olsson H, Ingvar C. "At what age do sunburn episodes play a crucial role for the development of malignant melanoma," Eur J Cancer 1994: 30A: 1647–54; (2) Elwood JM Japson J. "Melanoma and sun exposure: an overview of published studies," Int J Cancer 1997; 73:198–203; (3) Armstrong BK, "Melanoma: childhood or lifelong sun exposure," In: Grobb JJ, Stern RS Mackie RM, Weinstock WA, eds. "Epidemiology, causes and prevention of skin diseases," 1st ed. London, England: Blackwell Science, 1997: 63–6; (4) Whiteman D., Green A. "Melanoma and Sunburn," Cancer Causes Control, 1994: 5:564–72; (5) Heenan, PJ. "Does intermittent sun exposure cause basal cell carcinoma? A case control study in Western Australia," Int J Cancer 1995; 60: 489–94; (6) Gallagher, RP, Hill, GB, Bajdik, CD, et al. "Sunlight exposure, pigmentary factors, and risk of nonmelanocytic skin cancer I, Basal cell carcinoma," Arch Dermatol 1995; 131: 157–63; (7) Armstrong, DK. "How sun exposure causes skin cancer: an epidemiological perspective," Prevention of Skin Cancer. 2004. 89–116.

This action implements the commitment of the United States to reduce the production and import of HCFCs under the Montreal Protocol. While on an ODP-weighted basis, this is

not as large a step as previous actions, such as the 1996 class I phaseout, it is one of the most significant remaining actions the United States can take to complete the overall phaseout of ODS and further decrease impacts on children's health from stratospheric ozone depletion. The final HCFC consumption allocation for 2015 is more than 95 percent below the United States HCFC baseline, decreasing further through 2019.

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

This action is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The rule issues allowances for the production and consumption of HCFCs.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The proposed rule involved technical standards because EPA proposed to incorporate by reference AHRI Standard 700–2012 *Specification for Fluorocarbons and Other Refrigerants* and its appendices. The proposed standard is an updated version of the standard contained in the current regulations. The agency is not finalizing its proposal to update the standard, therefore, this final rule does not involve any technical standards.

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

Executive Order (EO) 12898 (59 FR 7629, Feb. 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. The 2015 phaseout step increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This action implements the commitment of the United States to reduce the production and import of HCFCs under the Montreal Protocol. While on an ODP-weighted basis, this is not as large a step as previous actions, such as the 1996 class I phaseout, it is one of the most significant remaining actions the United States can take to complete the overall phaseout of ODS and further lessen the adverse human health effects for the entire population. The final HCFC consumption allocation for 2015 is more than 95 below the United States HCFC consumption baseline, outperforming the requirements set by the Montreal Protocol and Title VI of the Clean Air Act.

The agency did receive two comments pertaining to this executive order. The National Association for the Advancement of Colored People (NAACP) states that climate change has a disproportionate impact on communities of color in the United States and around the world. NAACP supports efforts to eliminate chemicals that have dangerous or damaging effects on our communities, and points to both the ozone depleting potential and global warming potential of HCFCs. NAACP asks to be included during the drafting of the 2015–2019 final rule. The other commenter, New Era Group, Inc., believes that EPA blocks organizations such as the NAACP from engaging on this issue and states that climate change is a significant issue for minorities and people of color.

As part of the 2009 Endangerment Finding under CAA section 202(a)(1),[29] the Administrator considered climate change risks to minority or low-income populations, finding that certain parts of the population may be especially vulnerable based on their circumstances. These include the poor, the elderly, the very young, those already in poor health, the disabled, those living alone, and/or indigenous populations dependent on one or a few resources. The Administrator placed weight on the fact that certain groups, including children, the elderly, and the poor, are most vulnerable to climate-related health effects.

Since HCFCs are ozone depleting substances and also greenhouse gases that can contribute to climate change, the agency takes seriously its mandate to phase out production and import of these substances. In fact, this rulemaking far outperforms domestic and international caps on U.S. HCFC production. In addition, both stratospheric ozone depletion and climate change are global issues. That is, the impact of HCFC emissions on stratospheric ozone or atmospheric greenhouse concentrations is independent of where the HCFCs were used or eventually emitted. The agency discusses the environmental implications of the chosen HCFC–22 allocation levels in section VI.A. of this preamble. The agency appreciates NAACP's comment, and invited representatives from NAACP to meet with EPA while developing this final rule.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective January 1, 2015.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Exports, Hydrochlorofluorocarbons, Imports.

[29] "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act," 74 FR 66,496 (Dec. 15, 2009) ("Endangerment Finding").

Dated: October 16, 2014.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, 40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart A—Production and Consumption Controls

■ 2. Amend § 82.3 by adding the definition of "Use of a class II controlled substance" in alphabetical order to read as follows:

§ 82.3 Definitions for class I and class II controlled substances.

* * * * *

Use of a class II controlled substance, for the purposes of § 82.15 of this subpart, includes but is not limited to, use in a manufacturing process, use in manufacturing a product, intermediate uses such as formulation or packaging for other subsequent uses, and use in maintaining, servicing, or repairing an appliance or other piece of equipment. Use of a class II controlled substance also includes use of that controlled substance when it is removed from a container used for the transportation or storage of the substance but does not include use of a manufactured product containing a controlled substance.

■ 3. Amend § 82.15 by redesignating paragraph (g)(4) as (g)(4)(i) and revising it, and adding paragraphs (g)(4)(ii) and (iii) to read as follows:

§ 82.15 Prohibitions for class II controlled substances.

* * * * *

(g) * * *

(4)(i) Effective January 1, 2015, no person may introduce into interstate commerce or use any class II controlled substance not governed by paragraphs (g)(1) through (3) of this section (unless used, recovered and recycled) for any purpose other than for use in a process resulting in its transformation or its destruction; for use as a refrigerant in equipment manufactured before January 1, 2020; for use as a fire suppression streaming agent listed as acceptable for use or acceptable subject to narrowed use limits for nonresidential applications in accordance with the regulations at subpart G of this part; for export to Article 5 Parties under § 82.18(a); as a transhipment or heel; for exemptions permitted under paragraph (f) of this section; or for exemptions permitted under paragraph (g)(4)(ii) or (iii) of this section.

(ii) Effective January 1, 2015, use of HCFC–225ca or HCFC–225cb as a solvent (excluding use in manufacturing a product containing HCFC–225ca or HCFC–225cb) is not subject to the use prohibition in paragraph (g)(4)(i) of this section if the person using the HCFC–225ca or HCFC–225cb placed the controlled substance into inventory before January 1, 2015. This paragraph does not create an exemption to the prohibition on introduction into interstate commerce in paragraph (g)(4)(i) of this section.

(iii) Effective January 1, 2015, use of HCFC–124 as a sterilant for the manufacture and testing of biological indicators is not subject to the use prohibition in paragraph (g)(4)(i) of this section if the person using the HCFC–124 placed the controlled substance into inventory before January 1, 2015. This paragraph does not create an exemption to the prohibition on introduction into interstate commerce in paragraph (g)(4)(i) of this section.

* * * * *

■ 4. Amend § 82.16 by revising paragraphs (a)(1), (d), and (e) and removing and reserving paragraph (h).

The revisions read as follows:

§ 82.16 Phaseout schedule of class II controlled substances.

(a) *Calendar-year Allowances.* (1) In each control period as indicated in the following tables, each person is granted the specified percentage of baseline production allowances and baseline consumption allowances for the specified class II controlled substances apportioned under §§ 82.17 and § 82.19:

CALENDAR-YEAR HCFC PRODUCTION ALLOWANCES

Control period	Percent of HCFC–141b	Percent of HCFC–22	Percent of HCFC–142b	Percent of HCFC–123	Percent of HCFC–124	Percent of HCFC–225ca	Percent of HCFC–225cb
2003	0	100	100				
2004	0	100	100				
2005	0	100	100				
2006	0	100	100				
2007	0	100	100				
2008	0	100	100				
2009	0	100	100				
2010	0	41.9	0.47	0	125	125	125
2011	0	32.0	4.9	0	125	125	125
2012	0	17.7	4.9	0	125	125	125
2013	0	30.1	4.9	0	125	125	125
2014	0	26.1	4.9	0	125	125	125
2015	0	21.7	0.37	0	5.0	0	0
2016	0	21.7	0.32	0	5.0	0	0
2017	0	21.7	0.26	0	5.0	0	0
2018	0	21.7	0.21	0	5.0	0	0
2019	0	21.7	0.16	0	5.0	0	0

CALENDAR-YEAR HCFC CONSUMPTION ALLOWANCES

Control period	Percent of HCFC–141b	Percent of HCFC–22	Percent of HCFC–142b	Percent of HCFC–123	Percent of HCFC–124	Percent of HCFC–225ca	Percent of HCFC–225cb
2003	0	100	100				
2004	0	100	100				

CALENDAR-YEAR HCFC CONSUMPTION ALLOWANCES—Continued

Control period	Percent of HCFC–141b	Percent of HCFC–22	Percent of HCFC–142b	Percent of HCFC–123	Percent of HCFC–124	Percent of HCFC–225ca	Percent of HCFC–225cb
2005	0	100	100				
2006	0	100	100				
2007	0	100	100				
2008	0	100	100				
2009	0	100	100				
2010	0	41.9	0.47	125	125	125	125
2011	0	32.0	4.9	125	125	125	125
2012	0	17.7	4.9	125	125	125	125
2013	0	18.0	4.9	125	125	125	125
2014	0	14.2	4.9	125	125	125	125
2015	0	7.0	1.7	100	8.3	0	0
2016	0	5.6	1.5	100	8.3	0	0
2017	0	4.2	1.2	100	8.3	0	0
2018	0	2.8	1.0	100	8.3	0	0
2019	0	1.4	0.7	100	8.3	0	0

* * * * *

(d) Effective January 1, 2015, no person may produce class II controlled substances not previously controlled for any purpose other than for use in a process resulting in their transformation or their destruction, for use as a refrigerant in equipment manufactured before January 1, 2020, for use as a fire suppression streaming agent listed as acceptable for use or acceptable subject to narrowed use limits for nonresidential applications in accordance with the regulations at subpart G of this part, for export under § 82.18(a) using unexpended Article 5 allowances, for export under § 82.18(b) using unexpended export production allowances, or for exemptions permitted in § 82.15(f). Effective January 1, 2015, no person may import class II controlled substances not subject to the requirements of paragraph (b) or (c) of this section (other than transhipments, heels, or used class II controlled substances) for any purpose other than for use in a process resulting in their transformation or their destruction, for exemptions permitted in § 82.15(f), for use as a refrigerant in equipment manufactured prior to January 1, 2020, or for use as a fire suppression streaming agent listed as acceptable for use or acceptable subject to narrowed use limits for nonresidential applications in accordance with the regulations at subpart G of this part.

(e)(1) Effective January 1, 2020, no person may produce HCFC–22 or HCFC–142b for any purpose other than for use in a process resulting in their transformation or their destruction, for export under § 82.18(a) using unexpended Article 5 allowances, or for export under § 82.18(b) using unexpended export production allowances, or for exemptions permitted in § 82.15(f).

Effective January 1, 2020, no person may import HCFC–22 or HCFC–142b for any purpose other than for use in a process resulting in their transformation or their destruction, or for exemptions permitted in § 82.15(f).

(2) Effective January 1, 2020, no person may produce HCFC–123 for any purpose other than for use in a process resulting in its transformation or its destruction, for use as a refrigerant in equipment manufactured before January 1, 2020, for export under § 82.18(a) using unexpended Article 5 allowances, or for export under § 82.18(b) using unexpended export production allowances, or for exemptions permitted in § 82.15(f). Effective January 1, 2020, no person may import HCFC–123 for any purpose other than for use in a process resulting in its transformation or its destruction, for use as a refrigerant in equipment manufactured before January 1, 2020, or for exemptions permitted in § 82.15(f).

* * * * *

■ 5. Revise § 82.17 to read as follows:

§ 82.17 Apportionment of baseline production allowances for class II controlled substances.

The following persons are apportioned baseline production allowances for HCFC–22, HCFC–141b, HCFC–142b, HCFC–123, HCFC–124, HCFC–225ca, and HCFC–225cb as set forth in the following table:

Person	Controlled substance	Allowances (kg)
AGC Chemicals Americas	HCFC–225ca	266,608
	HCFC–225cb	373,952
Arkema	HCFC–22	46,692,336
	HCFC–141b	24,647,925
	HCFC–142b	484,369
DuPont	HCFC–22	42,638,049
	HCFC–124	2,269,210
Honeywell	HCFC–22	37,378,252
	HCFC–141b	28,705,200
	HCFC–142b	2,417,534
	HCFC–124	1,759,681
MDA Manufacturing	HCFC–22	2,383,835
Solvay Specialty Polymers USA, LLC	HCFC–142b	6,541,764

■ 6. Revise § 82.19 to read as follows:

§ 82.19 Apportionment of baseline consumption allowances for class II controlled substances.

The following persons are apportioned baseline consumption allowances for HCFC–22, HCFC–142b, HCFC–123, HCFC–124, HCFC–225ca, and HCFC–225cb as set forth in the following table:

Person	Controlled substance	Allowances (kg)
ABCO Refrigeration Supply	HCFC–22	279,366
AGC Chemicals Americas	HCFC–225ca	285,328
	HCFC–225cb	286,832
Altair Partners	HCFC–22	302,011
Arkema	HCFC–22	48,637,642
	HCFC–141b	25,405,570
	HCFC–142b	483,827
	HCFC–124	3,719
Carrier	HCFC–22	54,088
Continental Industrial Group	HCFC–141b	20,315
Coolgas, Inc.	HCFC–141b	16,097,869
Combs Investment Property	HCFC–22	1,040,458
	HCFC–123	19,980
	HCFC–124	3,742
Discount Refrigerants	HCFC–141b	994
DuPont	HCFC–22	38,814,862
	HCFC–141b	9,049
	HCFC–142b	52,797
	HCFC–123	1,877,042
	HCFC–124	743,312
H.G. Refrigeration Supply	HCFC–22	40,068
Honeywell	HCFC–22	35,392,492
	HCFC–141b	20,749,489
	HCFC–142b	1,315,819
	HCFC–124	1,284,265
ICC Chemical Corp.	HCFC–141b	81,225
ICOR	HCFC–124	81,220
Mexichem Fluor Inc.	HCFC–22	2,546,305
Kivlan & Company	HCFC–22	2,081,018
MDA Manufacturing	HCFC–22	2,541,545
Mondy Global	HCFC–22	281,824
National Refrigerants	HCFC–22	5,528,316
	HCFC–123	72,600
	HCFC–124	50,380
Perfect Technology Center, LP	HCFC–123	9,100
Refricenter of Miami	HCFC–22	381,293
Refricentro	HCFC–22	45,979
R-Lines	HCFC–22	63,172
Saez Distributors	HCFC–22	37,936
Solvay Fluorides, LLC	HCFC–22	3,781,691
	HCFC–141b	3,940,115
Solvay Specialty Polymers USA, LLC	HCFC–142b	194,536
Tulstar Products	HCFC–141b	89,913
	HCFC–123	34,800
	HCFC–124	229,582
USA Refrigerants	HCFC–22	14,865

■ 7. Amend § 82.20 by revising paragraph (a) introductory text to read as follows:

§ 82.20 Availability of consumption allowances in addition to baseline consumption allowances for class II controlled substances.

(a) A person may obtain at any time during the control period, in accordance with the provisions of this section, consumption allowances equivalent to the quantity of class II controlled substances that the person exported from the United States and its territories to a foreign state in accordance with this section, when that quantity of class II controlled substance was produced in the U.S. or imported into the United States with expended consumption allowances. Both the export of the class II controlled substance and the request for additional consumption allowances must occur during a calendar year in which consumption allowances were issued for that class II controlled substance.

* * * * *

■ 8. Revise appendix B to subpart A to read as follows:

Appendix B to Subpart A of Part 82—Class II Controlled Substances [a] [b]

Controlled substance	ODP
1. HCFC-21 (CHFCl2) Dichlorofluoromethane	0.04
2. HCFC-22 (CHF2Cl) Monochlorodifluoromethane	0.055
3. HCFC-31 (CH2FCl) Monochlorofluoromethane	0.02
4. HCFC-121 (C2HFCl4) Tetrachlorofluoroethane	0.01–0.04
5. HCFC-122 (C2HF2Cl3) Trichlorodifluoroethane	0.02–0.08
6. HCFC-123 (C2HF3Cl2) Dichlorotrifluoroethane	0.02
7. HCFC-124 (C2HF4Cl) Monochlorotetrafluoroethane	0.022
8. HCFC-131 (C2H2FCl3) Trichlorofluoroethane	0.007–0.05
9. HCFC-132 (C2H2F2Cl2) Dichlorodifluoroethane	0.008–0.05
10. HCFC-133 (C2H2F3Cl) Monochlorotrifluoroethane	0.02–0.06
11. HCFC-141 (C2H3FCl2) Dichlorofluoroethane	0.005–0.07
12. HCFC-141b (CH3CFCl2) Dichlorofluoroethane	0.11
13. HCFC-142 (C2H3F2Cl) Chlorodifluoroethane	0.008–0.07
14. HCFC-142b (CH3CF2Cl) Monochlorodifluoroethane	0.065
15. HCFC-151 (C2H4FCl) Chlorofluoroethane	0.003–0.005
16. HCFC-221 (C3HFCl6) Hexachlorofluoropropane	0.015–0.07
17. HCFC-222 (C3HF2Cl5) Pentachlorodifluoropropane	0.01–0.09
18. HCFC-223 (C3HF3Cl4) Tetrachlorotrifluoropropane	0.01–0.08
19. HCFC-224 (C3HF4Cl3) Trichlorotetrafluoropropane	0.01–0.09
20. HCFC-225 (C3HF5Cl2) Dichloropentafluoropropane	0.02–0.07
21. HCFC-225ca (CF3CF2CHCl2) Dichloropentafluoropropane	0.025
22. HCFC-225cb (CF2ClCF2CHClF) Dichloropentafluoropropane	0.033
23. HCFC-226 (C3HF6Cl) Monochlorohexafluoropropane	0.02–0.1
24. HCFC-231 (C3H2FCl5) Pentachlorofluoropropane	0.05–0.09
25. HCFC-232 (C3H2F2Cl4) Tetrachlorodifluoropropane	0.008–0.1
26. HCFC-233 (C3H2F3Cl3) Trichlorotrifluoropropane	0.007–0.23
27. HCFC-234 (C3H2F4Cl2) Dichlorotetrafluoropropane	0.01–0.28
28. HCFC-235 (C3H2F5Cl) Monochloropentafluoropropane	0.03–0.52
29. HCFC-241 (C3H3FCl4) Tetrachlorofluoropropane	0.004–0.09
30. HCFC-242 (C3H3F2Cl3) Trichlorodifluoropropane	0.005–0.13
31. HCFC-243 (C3H3F3Cl2) Dichlorotrifluoropropane	0.007–0.12
32. HCFC-244 (C3H3F4Cl) Monochlorotetrafluoropropane	0.009–0.14
33. HCFC-251 (C3H4FCl3) Monochlorotetrafluoropropane	0.001–0.01
34. HCFC-252 (C3H4F2Cl2) Dichlorodifluoropropane	0.005–0.04
35. HCFC-253 (C3H4F3Cl) Monochlorotrifluoropropane	0.003–0.03
36. HCFC-261 (C3H5FCl2) Dichlorofluoropropane	0.002–0.02
37. HCFC-262 (C3H5F2Cl) Monochlorodifluoropropane	0.002–0.02
38. HCFC-271 (C3H6FCl) Monochlorofluoropropane	0.001–0.03

[a] According to Annex C of the Montreal Protocol, "Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

[b] This table includes all isomers of the substances above, regardless of whether the isomer is explicitly listed on its own.

Subpart E—The Labeling of Products Using Ozone-Depleting Substances

■ 9. Amend § 82.110 by revising the paragraph (c) heading to read as follows:

§ 82.110 Form of label bearing warning statement.

* * * * *

(c) *Combined statement for multiple controlled substances* * * *

* * * * *

■ 10. In § 82.112, amend paragraph (d) by revising the first sentence to read as follows:

§ 82.112 Removal of label bearing warning statement.

* * * * *

(d) * * * Manufacturers, distributors, wholesalers, and retailers that purchase spare parts manufactured with a class I or class II substance from another manufacturer or supplier, and sell such spare parts for the sole purpose of repair, are not required to pass through an applicable warning label if such products are removed from the original packaging provided by the manufacturer from whom the products are purchased.

* * *

* * * * *

■ 11. Amend § 82.122 by revising paragraph (a)(1) to read as follows:

§ 82.122 Certification, recordkeeping, and notice requirements.

(a) * * *

(1) Persons claiming the exemption provided in § 82.106(b)(4) must submit a written certification to the following address: Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, 6205–T, 1200 Pennsylvania Ave. NW., Washington DC 20460.

* * * * *

Subpart F—Recycling and Emissions Reductions

■ 12. Amend § 82.164 by revising paragraph (f) to read as follows:

§ 82.164 Reclaimer certification.

* * * * *

(f) Certificates are not transferrable. In the event of a change in ownership of an entity which reclaims refrigerant, the new owner of the entity shall certify within 30 days of the change of ownership pursuant to this section. In the event of a change in business management, location, or contact information, the owner of the entity shall notify EPA within 30 days of the change.

* * * * *

■ 13. Amend § 82.166 by revising paragraph (h) to read as follows:

§ 82.166 Reporting and recordkeeping requirements.

* * * * *

(h) Reclaimers must maintain records of the quantity of material (the combined mass of refrigerant and contaminants) sent to them for reclamation, the mass of each refrigerant reclaimed, and the mass of waste products. Reclaimers must report this information to the Administrator annually within 30 days of the end of the calendar year.

* * * * *

[FR Doc. 2014–25374 Filed 10–27–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL REGISTER

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Part III

The President

Federal Register
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Title 3—

The President

Proclamation 9198 of October 24, 2014

United Nations Day, 2014

By the President of the United States of America

A Proclamation

In 1945, in the shadow of a world war and the face of an uncertain future, 51 founding nations joined in common purpose to establish the United Nations and codify its mission to maintain international peace and security, encourage global cooperation, and promote universal respect for human rights. Nearly seven decades later, we once again find ourselves at a pivotal moment in history—a crossroads between conflict and peace, disorder and integration, hatred and dignity—dealing with new challenges that require a united response. As we confront these global problems in an increasingly interconnected world, the United Nations remains as necessary and vital as ever. On United Nations Day, we recognize the important role the United Nations continues to play in the international system, and we reaffirm our country's commitment to work with all nations to build a world that is more just, more peaceful, and more free.

The United Nations fosters international cooperation and enables progress on the world's most immediate threats and critical long-term challenges. From addressing climate change and eradicating poverty to preventing armed conflict and halting the proliferation of weapons of mass destruction, the work of the United Nations supports our shared pursuit of a better world. In this spirit of mutual interest and mutual respect, the international community must continue to find common ground in the face of threats to the prosperity and security of all our nations.

Across the globe, United Nations personnel put their lives on the line to give meaning and action to the simple truths enshrined in the United Nations Charter. Today, U.N. humanitarian staff are providing lifesaving relief to those trapped by conflict; U.N. peacekeepers are protecting civilians against threats from extremists and other violent groups; and U.N. health workers are helping to bring Ebola under control in West Africa and deliver critical medicines to people around the world. Their dedication, hard work, and sacrifice reflect the promise of the United Nations and the best of the human spirit.

On this day, let us resolve to strengthen and renew the United Nations. Let us choose hope over fear, collaboration over division, and humanity over brutality, as we work together to build a tomorrow marked by progress rather than suffering. Our diplomacy can build the foundation for peace and our cooperation can be the catalyst for growth. By harnessing the power of the United Nations, we can build a more peaceful and more prosperous future for all our children and grandchildren.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2014, as United Nations Day. I urge the Governors of the 50 States, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

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

[FR Doc. 2014–25788
Filed 10–27–14; 11:15 am]
Billing code 3295–F5

Presidential Documents

Notice of October 24, 2014

Continuation of the National Emergency With Respect to Sudan

On November 3, 1997, by Executive Order (E.O.) 13067, the President declared a national emergency with respect to Sudan and, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), took related steps to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and policies of the Government of Sudan. On April 26, 2006, in E.O. 13400, the President determined that the conflict in Sudan's Darfur region posed an unusual and extraordinary threat to the national security and foreign policy of the United States, expanded the scope of the national emergency to deal with that threat, and ordered the blocking of property of certain persons connected to the conflict. On October 13, 2006, the President issued E.O. 13412 to take additional steps with respect to the national emergency and to implement the Darfur Peace and Accountability Act of 2006 (Public Law 109–344).

The actions and policies of the Government of Sudan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in E.O. 13067 of November 3, 1997, expanded on April 26, 2006, and with respect to which additional steps were taken on October 13, 2006, must continue in effect beyond November 3, 2014. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Sudan declared in E.O. 13067.

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

THE WHITE HOUSE,
October 24, 2014.

[FR Doc. 2014–25791
Filed 10–27–14; 11:15 am]
Billing code 3295–F5

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