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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 894

RIN 3206–AM57

Federal Employees Dental and Vision Insurance Program; Qualifying Life Event Amendments

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management issued a Notice of Proposed Rulemaking on December 23, 2013, to amend conditions under which Federal employees and retirees may change enrollment under the Federal Employees Dental and Vision Insurance Program. This is the final rule.

DATES: This rule is effective August 15, 2014.

FOR FURTHER INFORMATION CONTACT: Michael W. Kaszynski, Senior Policy Analyst at *mwkaszyn@opm.gov* or (202) 606–0004.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) issued a Notice of Proposed Rulemaking to change some of the requirements for Federal employees and retirees to make enrollment changes under the Federal Employees Dental and Vision Insurance Program (FEDVIP). These expanded enrollment opportunities are intended to better align FEDVIP with specific Federal Employees Health Benefits (FEHB) qualifying life events (QLE). We received no comments on the regulation. The new enrollment opportunities will allow FEDVIP enrollees to make enrollment changes when they get married or return to work after certain periods of leave without pay. FEDVIP enrollees will now be able to enroll or change plans or options when they experience these life events. Previously, enrollees had to wait until the annual Open Season event to make these changes. This better aligns these enrollment opportunities under both the FEDVIP and the FEHB Programs.

The Federal Employee Dental and Vision Benefits Enhancement Act of 2004 provided OPM the opportunity to establish arrangements under which supplemental dental and vision benefits were made available to Federal employees, retirees, and their family members.

FEDVIP is available to eligible Federal and Postal employees, retirees, and their eligible family members on an enrollee-pay-all basis. This program allows dental and vision insurance to be purchased on a group basis with competitive premiums and no pre-existing condition limitations for enrollment. Premiums for enrolled Federal and Postal employees are withheld from salary on a pre-tax basis.

Regulatory Impact Analysis

OPM has examined the impact of this proposed rule as required by Executive Order 12866 and Executive Order 13563, which directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects of $100 million or more in any one year. This rule is not considered a major rule because there will be a minimal impact on costs to Federal agencies.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation only adds flexibility to the current enrollment process.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Federalism

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

List of Subjects in 5 CFR Part 894

Administrative practice and procedure, Employee benefit plans, Government employees, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, OPM amends 5 CFR Part 894 as follows:

PART 894—FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM

■ 1. The authority citation for part 894 continues to read as follows:

Authority: 5 U.S.C. 8962; 5 U.S.C. 8992; Subpart C also issued under section 1 of Pub. L. 110–279, 122 Stat. 2604.

Subpart E—Enrollment and Changing Enrollment

■ 2. In § 894.501, revise paragraphs (c) and (d) and add new paragraphs (e) and (f) to read as follows:

§ 894.501 When may I enroll?

* * * * *

(c) Within 60 days of when you return to service following a break in service of at least 30 days;

(d) From 31 days before you or an eligible family member loses other dental/vision coverage to 60 days after a QLE that allows you to enroll;

(e) From 31 days before you get married to 60 days after; or

(f) Within 60 days after returning to Federal employment after being on leave without pay if you did not have Federal dental or vision coverage prior to going on leave without pay, or your coverage was terminated or canceled during your period of leave without pay.

■ 3. In § 894.502, revise paragraphs (b) and (c) and add new paragraphs (d) and (e) to read as follows:

§ 894.502 What are the Qualifying Life Events (QLEs) that allow me to enroll?

* * * * *

(b) Your annuity or compensation is restored after having been terminated;

(c) You return to pay status after being on leave without pay due to deployment to active military duty;

(d) You get married; or

(e) You return to Federal employment after being on leave without pay if you did not have Federal dental or vision coverage prior to going on leave without pay, or your coverage was terminated or canceled during your period of leave without pay.

■ 4. In § 894.507, revise paragraph (a) to read as follows:

§ 894.507 After I'm enrolled, may I change from one dental or vision plan or plan option to another?

(a) You may change from one dental and/or vision plan to another plan or one plan option to another option in that same plan during the annual open season, when you get married, or when you return to Federal employment after being on leave without pay if you did not have Federal dental or vision coverage prior to going on leave without pay, or your coverage was terminated or canceled during your period of leave without pay.

* * * * *

■ 5. In § 894.508, revise paragraph (e) to read as follows:

§ 894.508 When may I increase my type of enrollment?

* * * * *

(e) You may not change from one dental or vision plan to another, except as stated in § 894.507.

[FR Doc. 2014–16660 Filed 7–15–14; 8:45 am]

BILLING CODE 6325–43–P

DEPARTMENT OF AGRICULTURE

7 CFR Part 15d

RIN 0503–AA52

Nondiscrimination in Programs or Activities Conducted by the United States Department of Agriculture

AGENCY: United States Department of Agriculture.

ACTION: Final rule.

SUMMARY: The United States Department of Agriculture (USDA or Department) is amending its regulation on nondiscrimination in programs or activities conducted by the Department. The changes clarifies the roles and responsibilities of USDA's Office of the Assistant Secretary for Civil Rights (OASCR) and USDA agencies in enforcing nondiscrimination in programs or activities conducted by the Department and strengthens USDA's civil rights compliance and complaint processing activities to better protect the rights of USDA customers. OASCR's compliance activities are detailed, and a requirement is included that each agency shall, for civil rights compliance purposes, collect, maintain and annually compile data on the race, ethnicity, and gender (REG) of all conducted program applicants and participants by county and State. Applicants and program participants will provide the race, ethnicity, and gender data on a voluntary basis. The amendment also provides that OASCR shall offer Alternative Dispute Resolution (ADR) services to complainants where appropriate. This amendment is intended to encourage the early resolution of customer complaints. Finally, USDA is amending its regulation to add protection from discrimination in programs or activities conducted by the Department with respect to two new protected bases, political beliefs, and gender identity. The Secretary has decided to establish gender identity as a separate protected basis for USDA's conducted programs and activities. This amendment is meant to make explicit protections against discrimination based on USDA program customers' political beliefs or gender identity. Gender identity includes USDA program customers' gender expression, including how USDA program customers act, dress, perceive themselves, or otherwise express their gender.

DATES: Effective July 16, 2014.

FOR FURTHER INFORMATION CONTACT: Anna Stroman at 202–205–5953 or *anna.stroman@ascr.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

This rule follows the USDA proposed rule published on December 27, 2013, (78 FR 78788–249). The USDA is amending its regulation on nondiscrimination in programs or activities conducted by the Department. In 1964, USDA adopted Title VI principles to its federally conducted activities by prohibiting discrimination on the basis of race, color, and national origin. (See 29 FR 16966, creating 7 CFR part 15, subpart b, referring to nondiscrimination in direct USDA programs and activities, now found at 7 CFR part 15d). Subsequently, USDA expanded the protected bases for its conducted programs to include religion, sex, age, marital status, familial status, sexual orientation, disability, and whether any portion of a person's income is derived from public assistance programs. The intention is to hold the Department to a higher standard than our recipients.

The regulation was last revised in 1999 (64 FR 66709, Nov. 30, 1999). The changes will clarify the roles and responsibilities of OASCR and USDA agencies in enforcing nondiscrimination in programs or activities conducted by the Department ("conducted programs") and strengthen USDA's civil rights compliance and complaint processing activities to better protect the rights of USDA customers. This regulation does not address those programs for which the Department provides Federal financial assistance [1] ("assisted programs").

Highlights of Changes to the Regulation

The final regulation outlines three specific changes to current activities. First, the final regulation includes a requirement that each agency shall, for civil rights compliance purposes, collect, maintain, and annually compile data on the race, ethnicity, and gender of all applicants and participants of programs and activities conducted by USDA by county and State. Applicants and program participants of these programs will provide this data on a voluntary basis. Although USDA first established a policy for collecting data on race, ethnicity, and gender in 1969, there is currently no uniform requirement for reporting and tabulating this data across USDA's diverse program areas. The three USDA agencies that administer the majority of USDA's conducted programs—the Farm Services Agency (FSA), the Natural Resources Conservation Service (NRCS), and the Forest Service (FS) and Rural Development (RD)—already collect this data from individuals. FSA, NRCS, and RD (the "field based agencies") collect this data under the requirements of section 14006 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), which requires collection of this data for each program that serves agricultural producers and landowners. This data allows USDA to track application and participation rates for socially disadvantaged and limited resources applicants and participants. Together, these four agencies capture more than 90 percent of the contacts USDA has with the public through its conducted programs. This final regulation will standardize the recordkeeping requirement across the Department to all programs conducted by USDA that deliver benefits to the

[1] Federally assisted programs are programs and activities receiving financial assistance through a third party such as a State or municipal government, university, or organization. Federally conducted programs, which are those programs covered in this regulation, are programs and activities for which program services, benefits or resources are delivered directly to the public by USDA.

public. Assisted programs are not the subject of this rule.

Second, the rule requires that OASCR offer ADR services to complainants where appropriate. This amendment is intended to encourage the early resolution of customer complaints and is in accordance with the Secretary of Agriculture's Blueprint for Stronger Service. Offering ADR will expand the use of techniques currently used in the employment context that facilitate complaint resolution and shorten resolution time. It will provide a cost-effective opportunity for early complaint resolution. USDA anticipates that this measure will reduce costs associated with complaint processing while also enhancing customer experience with the Department.

Finally, USDA is amending its regulation to add protection from discrimination in programs or activities conducted by the Department with respect to two new protected bases, political beliefs and gender identity. Discrimination by USDA employees on these grounds is already prohibited in USDA's statement on civil rights. This amendment is meant to make explicit protections against discrimination based on USDA program customers' political beliefs or gender identity, which will strengthen USDA's ability to ensure that all USDA customers receive fair and consistent treatment, and align the regulations with USDA's civil rights goals.

The inclusion of political beliefs will prohibit discrimination consistent with the Food Stamp Act of 1964, Public Law 88–525, 78 Stat. 703–709 (Aug. 31, 1964), the Civil Service Reform Act of 1978 (which covers political affiliation), and the Secretary of Agriculture's civil rights policy statements.

The Secretary has decided to establish gender identity as a separate protected basis for USDA's conducted programs and activities. For the purpose of this regulation, gender identity includes USDA program customers' gender expression, including how USA program customers act, dress, perceive themselves, or otherwise express their gender.

The change allows USDA customers of conducted programs who believe that they have been discriminated against on the basis of political beliefs or gender identity to take advantage of USDA's existing mechanisms to file an administrative complaint and receive a response. USDA's response might include recommending additional training for USDA employees or outreach in appropriate cases, procedures which already take place and can continue to take place within existing resources. The change applies only to USDA's internal administrative complaint mechanism and does not, in and of itself, create any new legal rights to bring suit against USDA, or expand the class of cases where USDA is authorized to pay money in connection with civil rights complaints.

Discussion of Comments and Responses

On December 27, 2013, USDA published a notice of proposed rulemaking in the **Federal Register** which resulted in 45 individuals/public interest groups/firms responding with 130 comments and recommendations. All comments received supported the proposed regulation. The comments and responses are as follows:

1. Public Disclosure of Data

Comment: We received two comments submitted on behalf of seven organizations requesting that the proposed regulation require USDA agencies to make race, ethnic and gender (REG) data collected under the proposed regulation available to the public. Commenters recommended public disclosure of the data, along with civil rights compliance reviews, to enhance the effectiveness of the regulation and to ensure agency accountability.

Response: OASCR agrees that public disclosure of the data will provide customers with additional information on the effectiveness of USDA's conducted programs as well as increase its accountability to its customers. As each Agency is required to submit to OASCR timely, complete and accurate program application and participation reports containing the REG data on an annual basis, one option that OASCR is considering, upon completion of its analysis of this data, would be to post a summary analysis on either the USDA or OASCR Web site. In addition, Agencies will also have the option of posting their data on their Web sites. In regards to the recommendation that compliance reviews be subject to public disclosure, OASCR will take this under consideration.

2. Accurate Data Reporting

Comment: We received two comments submitted on behalf of seven organizations recommending that the regulation requires USDA to take steps to ensure the accurate reporting of data, especially for those who do not receive the assistance requested.

Response: We agree that USDA should take steps to ensure the accurate reporting of data. Data on programs must be analyzed in a consistent manner with respect to the protected categories. The regulation provides for the standard, voluntary collection of REG data for all USDA conducted programs. Standard demographic program data will help USDA better determine if programs and services are reaching the needs of all conducted program applicants and participants by county and State. USDA anticipates that this expanded data collection will provide additional data regarding customers who are and are not receiving USDA benefits, improve the design of USDA programs, and ultimately reduce the number of complaints of discrimination filed against USDA. The uniform collection of REG data will allow USDA to administer programs from a proactive rather than a reactive position and enables the Department to assess the accomplishment of program delivery mandates and objectives. Moreover, when allegations of disparate treatment or service arise, accurate REG data provides USDA the ability to determine the validity of discrimination complaints and resolve conflicts and issues in an expeditious manner. USDA's use of standardized voluntary methods of data collection will ensure the accuracy of data reporting for all protected categories of program applicants and participants, which will include those who apply for, but do not receive the requested assistance.

Comment: We received one comment opposing the collection of REG data from the Business and Industry Guaranteed Loan (B&I) Program of USDA's Rural Development (RD) Mission Area on the grounds that B&I works with private lenders and has only paperwork interaction with borrower applicants. B&I cannot identify borrower applicants by race, religion, gender, etc. and the collection of REG data would create an additional step in the loan process and therefore be unduly difficult and burdensome. Further, the commenter stated that B&I is already prohibited by law from discriminating against applicants on the grounds identified in the proposed regulation.

Response: The regulation applies only to USDA "conducted" programs and only those agencies administering USDA conducted programs that serve individuals are required to collect the data. B&I is a loan guarantee program, guaranteeing loans provided by private lenders. B&I is not an RD conducted program and therefore the proposed regulation is not applicable to B&I.

3. Collection of Ethnicity Data

Comment: We received one comment submitted on behalf of six organizations requesting that the rule require agencies

to collect additional information on ethnicity and language of communication. The commenter expressed concern that the use of Form AD–2106 to collect data is limiting in that it identifies only two categories under Ethnicity: (1) Hispanic or Latino, or (2) Not Hispanic or Latino.

Response: Although USDA first established a policy for collecting data on REG in 1969, there is currently no uniform requirement for reporting and tabulating this data across USDA's diverse program areas. The rule requires that each USDA agency collect, maintain, and annually compile data on REG of all program applicants and participants of conducted programs by county and State. This will create a standard collection of data on REG from applicants and beneficiaries of USDA conducted programs. However, USDA agencies are not required to collect data on the language preferences of customers.

Although collecting data on the languages spoken by customers is outside the scope of this regulation, USDA has established its Departmental Regulation on the prohibition of national origin discrimination against persons with Limited English Proficiency (LEP) in conducted programs. In addition, USDA is in the process of finalizing its guidance on the prohibition of national origin discrimination against persons with LEP in its federally assisted programs. USDA conducted programs will not be required to collect data on language preference but will perform an assessment of the number or proportion of LEP persons eligible to be served or encountered and the frequency of encounters.

With regard to the collection of ethnicity data, the rule requires USDA agencies with conducted programs to develop strategies for collecting REG data for their respective federally conducted programs. These strategies will be reviewed and approved by OASCR and will be established per the Office of Management and Budget's (OMB) requirements for data collection on race and ethnicity, Standards for the Classification of Federal Data on Race and Ethnicity. While we agree that expanding the ethnicity categories beyond Hispanic or Latino would provide valuable information regarding the customers participating in and receiving benefits from programs conducted by the Department, USDA is working within the parameters of the approved OMB form. In the future, we will be looking into revising our data collection options to capture all ethnic groups by allowing customers to self-identify ethnic categories.

4. Monitoring of Data Reporting for Compliance

Comment: We received two comments on behalf of seven organizations recommending that USDA take steps to monitor compliance with data reporting requirements by the agencies.

Response: We agree that USDA should closely monitor compliance with the regulation's data collection and reporting requirements. OASCR's compliance responsibilities include ensuring that each agency collects, maintains, and annually compiles data on the REG of all program applicants and participants by county and State. OASCR will be closely monitoring and reviewing agencies data reporting for compliance on an annual basis.

5. Data Usage

Comment: We received one comment on behalf of six organizations recommending USDA more explicitly state how the collected data will be used to proactively inform strategies to address any identified inequities.

Response: The rule requires that each USDA agency collect, maintain, and annually compile data on the race, ethnicity, and gender of all conducted program applicants and participants by county and State.

Demographic data collected under the regulation can be used to: (1) Perform analyses during the investigation of civil rights complaints to determine whether discrimination exists; (2) conduct mandated civil rights compliance reviews; (3) compare data from the Agriculture Census or decennial census on whether groups or communities are underserved by USDA's programs; (4) determine targeted areas for product development, marketing, and outreach; (5) customize communication for improved customer service; (6) measure the participation rates of traditionally underserved groups, such as racial/ethnic minorities, women, older farmers, and persons with disabilities, and make adjustments, as necessary, in product development and/or program delivery; and (7) measure performance of USDA personnel. Also USDA anticipates that this expanded data collection will include data regarding customers who are and are not receiving USDA benefits, will help improve the design of USDA programs, and ultimately will reduce the number of complaints of discrimination filed against USDA.

6. Implementation of Regulation

Comment: We received one comment on behalf of six organizations recommending that USDA take additional steps to assure that the purposes of the proposed regulation are realized, which includes improved processing of complaints, an improved process for documenting settlement agreements, and compiled data on complaints after an investigation.

Response: OASCR is responsible for monitoring and providing oversight of the implementation of the rule and will be reviewing the data collected on an annual basis to ensure that the purposes of the rule are met. We believe that the steps provided by the rule will effectively address the concerns of the commenter. This will strengthen USDA's civil rights compliance and complaint processing activities at all stages, and the ADR requirement will improve the process of documenting settlement agreements. Further, as OASCR's monitors and oversees the implementation of the proposed regulation, assessments can be made as to whether further steps are necessary to improve the realization of its purpose.

7. Training USDA Employees

Comment: We received eighteen comments submitted on behalf of thirty organizations recommending that USDA train its employees to fully implement the proposed regulation.

Response: In order for the Department to enforce nondiscrimination in programs and activities conducted by the Department and to ensure requirements of the regulation are met by USDA agencies, OASCR and the agencies will provide training on the rule's requirements. OASCR has begun to prepare its training strategy for managers, employees, and program customers. Training is expected to begin once the rule is finalized.

8. Identification of Conducted Programs to Which the Proposed Rule Applies

Comment: We received one comment submitted on behalf of seventeen organizations requesting that the Department list the programs and activities conducted by the USDA that are covered by the proposed rule.

Response: This rule covers all programs and activities conducted by the Department. It does not cover programs or activities for which the Department provides Federal financial assistance through a third party such as a State or municipal government, university, or other intermediary organization. The name, number, and nature of programs and activities

conducted by USDA is subject to change as Congress mandates funding for new programs or amends current appropriated programs. Consequently, it is not possible to include a definitive list of covered programs and activities in the proposed rule.

9. Alternative Dispute Resolution Implementation

Comment: We received one comment submitted on behalf of six organizations seeking clarification regarding the implementation of alternative dispute resolution (ADR) services for program complaints. Specifically, (1) whether ADR is required; (2) how ADR will be used; and (3) what, if any, changes will the amendment make to current ADR services.

Response: The amendment provides that OASCR shall offer ADR services to complainants where appropriate. ADR for program complaints is a service that offers mediation and other current ADR techniques presently provided for Equal Employment Opportunity cases. ADR will be used to facilitate the early resolution of disputed issues and complaints through mediation, facilitation, fact finding, arbitration, use of ombudsman, or any combination thereof. Participation in ADR is not mandatory for customers of USDA's conducted programs, but rather it is an optional service available to customers at no cost. By engaging in ADR, customers do not give up their right to file a complaint.

10. Other Protected Bases—Marital Status and Sexual Orientation

Comment: We received two comments from two organizations, each recommending that USDA add another protected basis: One comment recommended the addition of "marital status," and one comment recommended the addition of "sexual orientation."

Response: The Secretary's Civil Rights Policy Statement, dated July 24, 2013, 7 CFR 15d.3, includes "marital status" and "sexual orientation," as bases for protection from discrimination. The rule adds two additional bases, namely "gender identity" and "political beliefs" as protected categories for its conducted programs.

11. Expansion of Nondiscrimination on the Basis of Gender Identity and/or Political Beliefs to Assisted Programs

Comment: We received eighteen comments on behalf of thirty-seven organizations recommending that USDA expand nondiscrimination protection on the basis of "gender identity" and "political beliefs" to USDA assisted programs, in particular nutrition programs. One commenter also recommended that nondiscrimination protection be extended to housing assistance programs.

Response: OASCR is currently researching its nondiscrimination regulation for its federally assisted programs. However, the current rule only addresses nondiscrimination protection for USDA "conducted" programs and activities.

Executive Orders 12866 and 13563 and Regulatory Flexibility Act

Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13563, "Improving Regulation and Regulatory Review," direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866 and, therefore, OMB was not required to review this final rule.

Regulatory Flexibility Act

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act (RFA) requires the agency to "prepare and make available for public comment an initial regulatory flexibility analysis" which will "describe the impact of the proposed rule on small entities." (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

7 CFR part 15d clarifies the roles and responsibilities of USDA's OASCR and USDA agencies in enforcing nondiscrimination in programs or activities conducted by the Department. The final regulation was last revised in 1999 (64 FR 66709, Nov. 30, 1999). The changes also strengthen USDA's civil rights compliance and complaint processing activities to better protect the rights of USDA customers. As stated previously, the proposed data collection is in line with the requirements of section 14006 of the 2008 Farm Bill. The inclusion of political beliefs as a protected basis will prohibit discrimination in accordance with current civil rights laws, the Food Stamp Act of 1964, Public Law 88–525, 78 Stat. 703–709 (Aug. 31, 1964) and the Civil Service Reform Act of 1978 (which covers political affiliation) and the Secretary of Agriculture's civil rights policy statements.

The final rule may affect entities such as grocery and related product merchant wholesalers, establishments that export their goods on their own account that fall into category 4244 of the North American Industry Classification System (NAICS). Merchant wholesale establishments typically maintain their own warehouse, where they receive and handle goods for their customers. Goods are generally sold without transformation but may include integral functions, such as sorting, packaging, labeling, and other marketing services.

For the purpose of this analysis and following the Small Business Administration (SBA) guidelines, the potentially affected entities are classified within the following industries: General Line Grocery Merchant Wholesalers (NAICS 424410), Packaged Frozen Food Merchant Wholesalers (NAICS 424420), Dairy Product (except Dried or Canned) Merchant Wholesalers (NAICS 424430), Poultry and Poultry Product Merchant Wholesalers (NAICS 424440), Confectionery Merchant Wholesalers (NAICS 424450), Fish and Seafood Merchant Wholesalers (NAICS 424460), Meat and Meat Product Merchant Wholesalers (NAICS 424470), Fresh Fruit and Vegetable Merchant Wholesalers (NAICS 424480), Other Grocery and Related Products Merchant Wholesalers (NAICS 424490).

Establishments in the categories listed above are considered small by SBA standards if their employee base is less than 100 employees. According to the U.S. Census data, there are 46,272 grocery and related product merchant wholesalers that are considered small.

Based on USDA program data, it is expected that the proposed data collection requirements on those who apply for, participate in, or receive benefits from various conducted programs may affect 90 participants which fall in the above cited categories.

The offer of ADR to program customers is not expected to have an adverse impact on small businesses. ADR will reduce the number of complaints filed, thereby reducing costs to the agency.

The inclusion of political beliefs and gender identity as protected bases is also not expected to have any adverse effect on small businesses. The Secretary has decided to establish gender identity as a separate protected basis for USDA's conducted programs

and activities. Instead, it will ensure that USDA is operating in accordance with the requirements of current civil rights laws and regulations and should not add additional costs to small businesses that are not participating in discriminatory activities or practices.

USDA considered the alternative of allowing civil rights regulations to remain the same, which will not clarify, update or add civil rights requirements. Without this rule, no additional assurances of civil rights protections will be realized.

Based on the above discussion, the Assistant Secretary for Civil Rights certifies that this rule will not have a significant economic impact on a substantial number of small entities. USDA invited comments from members of the public who believe there will be a significant impact, and requested information to better inform the analysis of benefits and costs. No comments were received from the public indicating concern that the rule would economically impact small entities.

The 2008 Farm Bill, Section 14006 requires the collection of application and participation rate data regarding socially disadvantaged farmers or ranchers. OMB has approved a form for this data collection, and the field based agencies have already implemented it. This existing data collection already meets the requirements proposed in this rule, and therefore, the final rule imposes no new data collection requirements on the three field based agencies and will not cause duplication or conflict with the 2008 Farm Bill requirements. USDA is unaware of any other Federal rules that duplicate, overlap, or conflict with the final rule.

Executive Order 12372

Executive Order 12372, "Intergovernmental Review of Federal Programs" requires consultation with State and local officials. The objectives of the Executive Order are to foster an intergovernmental partnership and a strengthened Federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This rule neither provides Federal financial assistance nor direct Federal development. It does not provide either grants or cooperative agreements. Therefore, this program is not subject to Executive Order 12372.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, "Civil Justice Reform." This rule would not preempt State and or local laws, and regulations, or policies unless they present an irreconcilable conflict with this rule. Before any judicial action may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR parts 11 and 780 must be exhausted.

Executive Order 13175

This rule has been reviewed for compliance with Executive Order 13175, "Consultation and Coordination With Indian Tribal Governments." The review reveals that this rule will not have substantial and direct effects on Tribal Governments and will not have significant Tribal implications. OASCR consulted with the USDA Office of Tribal Relations (OTR) in development of the proposed rule and believes that it will not impact or have direct effects on Tribal governments and will not have significant Tribal implications. OASCR continues to consult with USDA's OTR to collaborate meaningfully to develop and strengthen departmental regulations.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA)(Pub. L. 104–4) requires Federal Agencies to assess the effects of their regulatory actions on State, local, or Tribal Governments or the private sector. Agencies generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of $100 million or more in any one year for State, local, or Tribal Governments, in the aggregate, or to the private sector. The UMRA generally requires agencies to consider alternatives and adopt the more cost-effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandate as defined by Title II of UMRA for State, local, or Tribal governments or for the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act of 1995

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule has been submitted for approval to OMB.

E-Government Act Compliance

OASCR is committed to complying with the E-Government Act, which requires Government Agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

List of Subjects in 7 CFR Part 15d

Civil rights.

For the reasons set forth in the preamble, USDA proposes to amend 7 CFR part 15d as follows:

PART 15d—NONDISCRIMINATION IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE

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

Authority: 5 U.S.C. 301.

§§ 15d.2, 15d.3, and 15d.4 [Redesignated as §§ 15d.3, 15d.4, 15d.5]

■ 2. Redesignate §§ 15d.2, 15d.3, and 15d.4 as §§ 15d.3, 15d.4, 15d.5, respectively.

■ 3. Add § 15d.2 to read as follows:

§ 15d.2 Definitions.

For the purpose of this part, the following definitions apply:

Agency means a major organizational unit of the Department with delegated authority to deliver programs, activities, benefits, and services. Heads of Agencies receive their delegated authority as prescribed in 7 CFR part 2.

Agency Head Assessment means the annual Agency Civil Rights Performance Plan and Accomplishment Report conducted by the Office of the Assistant Secretary for Civil Rights (OASCR). It is an evaluation tool used by OASCR to assess USDA Agency Heads and Staff Office Directors on their civil rights activities and accomplishments to ensure accountability throughout the Department on these issues.

Alternative Dispute Resolution or *ADR* means any number of conflict resolution procedures in which parties agree to use a third-party neutral to resolve complaints or issues in controversy. ADR methods include, but are not limited to, mediation, facilitation, fact finding, arbitration, use of ombuds, or any combination thereof.

Assistant Secretary for Civil Rights or *ASCR* means the civil rights officer for USDA responsible for the performance and oversight of all civil rights functions within USDA, and who retains the authority to delegate civil rights functions to heads of USDA agencies and offices. The ASCR is also responsible for evaluating agency heads on their performance of civil rights functions.

Complaint means a written statement that contains the complainant's name and address and describes an agency's alleged discriminatory action in

sufficient detail to inform the ASCR of the nature and date of an alleged civil rights violation. The statement must be signed by the complainant(s) or someone authorized to sign on behalf of the complainant(s). To accommodate the needs of people with disabilities, special needs, or who have Limited English Proficiency, a complaint may be in an alternative format.

Compliance report means a written review of an agency's compliance with civil rights requirements, to be prepared by OASCR and to identify each finding of non-compliance or other civil rights related issue. The review is conducted at the discretion of OASCR or if there has been a formal finding of non-compliance.

Conducted Programs and Activities means the program services, benefits or resources delivered directly to the public by USDA.

Days mean calendar days, not business days.

Department (used interchangeably with USDA) means the Department of Agriculture and includes each of its operating agencies and other organizational units.

Discrimination means unlawful treatment or denial of benefits, services, rights or privileges to a person or persons because of their race, color, national origin, religion, sex, sexual orientation, disability, age, marital status, sexual orientation, familial status, parental status, income derived from a public assistance program, political beliefs, or gender identity.

Secretary means the Secretary of Agriculture or any officer or employee of the Department whom the Secretary has heretofore delegated, or whom the Secretary may hereafter delegate, the authority to act in his or her stead under the regulations in this part.

■ 4. Revise newly redesignated § 15d.3 to read as follows:

§ 15d.3 Discrimination prohibited.

(a) No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or gender identity, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

(b) No person shall be subjected to reprisal for opposing any practice(s) prohibited by this part, for filing a complaint, or for participating in any other manner in a proceeding under this part.

■ 5. Revise newly redesignated § 15d.4 to read as follows:

§ 15d.4 Compliance.

(a) *Compliance program.* OASCR shall evaluate each agency's efforts to comply with this part and shall make recommendations for improving such efforts.

(1) OASCR shall oversee the compliance reviews and evaluations, and issue compliance reports that monitor compliance efforts to ensure that there is equitable and fair treatment in conducted programs.

(2) OASCR shall monitor all settlement agreements pertaining to program complaints for compliance to ensure full implementation and enforcement.

(3) OASCR shall oversee Agency Head Assessments to ensure that Agency Heads are in compliance with civil rights laws and regulations.

(4) OASCR shall monitor all findings of non-compliance to ensure that compliance is achieved.

(5) OASCR shall require agencies to collect the race, ethnicity and gender of applicants and program participants, who choose to provide such information on a voluntary basis, in USDA-conducted programs, for purposes of civil rights compliance oversight, and evaluation.

(b) *Agency data collection and compliance reports.* (1) Each Agency shall, for civil rights compliance, collect, maintain and annually compile data on all program applicants and participants in conducted programs by county and State, including but not limited to, application and participation rate data regarding socially disadvantaged and limited resources applicants and participants. At a minimum, the data should include:

(i) Numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary and in accordance with law; and

(ii) The application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate.

(2) Each Agency shall submit to the OASCR timely, complete and accurate program application and participation reports containing the information described in § 15d.4(b)(1), on an annual basis, and upon the request of the OASCR independently of the annual requirement.

(c) *Complaint reporting compliance.* OASCR shall ensure compliance with mandated complaint reporting requirements, such as those required by section 14006 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246).

■ 6. Revise newly redesignated § 15d.5 to read as follows:

§ 15d.5 Complaints.

(a) Any person who believes that he or she (or any specific class of individuals) has been, or is being, subjected to practices prohibited by this part may file (or file through an authorized representative) a written complaint alleging such discrimination. The written complaint must be filed within 180 calendar days from the date the person knew or reasonably should have known of the alleged discrimination, unless the time is extended for good cause by the ASCR or designee. Any person who complains of discrimination under this part in any fashion shall be advised of the right to file a complaint as herein provided.

(b) All complaints under this part should be filed with the Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave. SW., U.S. Department of Agriculture, Washington, DC 20250, who will investigate the complaints. The ASCR will make final determinations as to the merits of complaints under this part and as to the corrective actions required to resolve program complaints. The complainant will be notified of the final determination on the complaint.

(c) Any complaint filed under this part alleging discrimination on the basis of disability will be processed under 7 CFR part 15e.

(d) For complaints OASCR deems appropriate for ADR, OASCR shall offer ADR services to complainants.

Dated: July 7, 2014.

Joe Leonard, Jr.,

Assistant Secretary for Civil Rights.

[FR Doc. 2014–16325 Filed 7–15–14; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 906 and 944

[Doc. No. AMS–FV–14–0009; FV14–906–1 FIR]

Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas and Imported Oranges; Change in Size Requirements for Oranges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that relaxed the minimum size prescribed for oranges under the marketing order for oranges and grapefruit grown in Lower Rio Grande Valley in Texas (order) and the orange import regulation. The interim rule relaxed the minimum size requirement for domestic and import shipments from 2$^{6}/_{16}$ inches to 2$^{3}/_{16}$ inches in diameter. This rule provides additional oranges to meet market demand, helping to maximize fresh shipments.

DATES: Effective July 17, 2014.

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

Small businesses may obtain information on complying with this and other marketing order and agreement regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide;* or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 906, as amended (7 CFR part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

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

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

The handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas is regulated by 7 CFR part 906. Prior to this change, the minimum size requirement for domestic shipments of oranges was 2$^{6}/_{16}$ inches. The Texas Valley Citrus Committee (Committee) believes there is a shortage of fruit available to supply the fresh fruit market, which the Texas citrus growers and handlers should fill. The Committee also recognized that consumers are now showing a preference for smaller-sized fruit. The Committee believes relaxing the requirements makes more fruit available to fill the market shortfall and provides smaller-sized fruit to meet consumer demand. Therefore, this rule continues in effect the rule that relaxed the minimum size requirement for domestic shipments from 2$^{6}/_{16}$ inches to 2$^{3}/_{16}$ inches in diameter.

Imported oranges are subject to regulations specified in 7 CFR part 944. Under those regulations, imported oranges must meet the same minimum size requirements as specified for domestic oranges under the order. Therefore, the minimum size requirement was also relaxed from 2$^{6}/_{16}$ inches to 2$^{3}/_{16}$ inches in diameter for oranges imported into the United States.

In an interim rule published in the **Federal Register** on February 28, 2014, and effective on March 1, 2014, (79 FR 11297, Doc. No. AMS–FV–14–0009, FV14–906–1 IR), §§ 906.365 and 944.312 were amended by changing the minimum diameter for oranges from 2$^{6}/_{16}$ inches (size 138) to 2$^{3}/_{16}$ inches (size 163) in diameter. Section 906.340 was also revised by adding size 163 to the available pack sizes for oranges listed under Table I, and by adding language concerning pack and sizing requirements as appropriate.

Final Regulatory Flexibility Analysis

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

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

There are 13 registered handlers of Texas citrus who are subject to regulation under the marketing order and approximately 150 producers of oranges in the regulated area. There are approximately 220 importers of oranges. Small agricultural service firms, which include handlers and importers, are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

According to data from the National Agricultural Statistics Service and the industry and Committee, the average f.o.b. price for Texas oranges during the 2012–13 season was $25.30 per box, and total fresh orange shipments were approximately 1.5 million boxes. Using the average f.o.b. price and shipment data, the majority of Texas orange handlers could be considered small businesses under SBA's definition. In addition, based on production data, grower prices, and the total number of Texas citrus growers, the average annual grower revenue is below $750,000. Information from the Foreign Agricultural Service, USDA, indicates that the dollar value of imported fresh oranges ranged from approximately $71.2 million in 2008 to $107.4 million in 2012. Using these values, most importers would have annual receipts of less than $7,000,000 for oranges. Thus, the majority of handlers, producers, and importers of oranges may be classified as small entities.

Chile, South Africa, Mexico, and Australia are the major orange-producing countries exporting oranges to the United States. In 2012, shipments of oranges imported into the United States totaled around 119,000 metric tons. Of that amount, 51,510 metric tons were imported from Chile, 35,960 metric tons were imported from South Africa, 17,421 metric tons were imported from Mexico, and 11,100 metric tons arrived from Australia.

This rule continues in effect the action that relaxed the minimum size requirement for oranges grown in the Lower Rio Grande Valley in Texas and imported oranges. This rule relaxes the minimum size requirement for domestic and import shipments from 2$^{6}/_{16}$ inches (size 138) to 2$^{3}/_{16}$ inches (size 163). This change makes additional fruit available for shipment to the fresh market, maximizes shipments, provides additional returns to handlers and growers, and responds to consumer demand for small-sized fruit. This rule amends the provisions of §§ 906.340,

906.365, and 944.312. Authority for the change in the order's rules and regulations is provided in § 906.40. The change in the import regulation is required under section 8e of the Act.

This action is not expected to increase the costs associated with the order requirements or the orange import regulation. Rather, it is anticipated that this action will have a beneficial impact. Reducing the size requirement makes additional fruit available for shipment to the fresh market. The Committee believes that this provides additional fruit to fill a shortage in the fresh market and provides the opportunity to fulfill a growing consumer demand for smaller sized fruit. This action also provides an outlet for fruit that may otherwise go unharvested, maximizing fresh shipments and increasing returns to handlers and growers. The benefits of this rule are expected to be equally available to all fresh orange growers, handlers, and importers, regardless of their size.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic Fruit Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

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

Further, the Committee's meeting was widely publicized throughout the Texas citrus industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the December 11, 2013, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Comments on the interim rule were required to be received on or before April 29, 2014. No comments were received. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-14-0009-0001.*

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

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

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (79 FR 11297, February 28, 2014) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 906

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements.

7 CFR Part 944

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

PARTS 906 and 944—[AMENDED]

■ Accordingly, the interim rule that amended 7 CFR parts 906 and 944 and that was published at 79 FR 11297 on February 28, 2014, is adopted as final without change.

Dated: July 10, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–16638 Filed 7–15–14; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946 and Part 980

[Doc. No. AMS–FV–13–0068; FV13–946–3 FIR]

Irish Potatoes Grown in Washington and Imported Potatoes; Modification of the Handling Regulations, Reporting Requirements, and Import Regulations for Red Types of Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as a final rule.

SUMMARY: The Department of Agriculture is adopting, as a final rule, without change, an interim rule that exempted red types of potatoes from minimum quality, maturity, pack, marking, and inspection requirements of the Washington potato marketing order and the potato import regulation for the 2013–2014 and subsequent fiscal periods. This rule also continues in effect the action that required handlers of red types of potatoes to submit reports during the period that red types of potatoes are exempt from regulation. This rule is expected to reduce overall industry expenses and increase net returns to producers and handlers while giving the industry the opportunity to explore alternative marketing strategies.

DATES: Effective July 21, 2014.

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

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide*; or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 946, as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

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

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

The handling of Irish potatoes grown in Washington is regulated by 7 CFR part 946. Prior to this change, red types

of potatoes were subject to the requirements contained in the order's handling regulations (§ 946.336). The Washington potato industry was concerned that the cost of mandatory inspection for red types of potatoes, which has increased, may outweigh the benefits of having the quality regulations in place. By exempting red types of potatoes from handling regulations, the industry expects to reduce overall expenses and provide handlers the opportunity to explore alternative marketing strategies.

Therefore, this rule continues in effect the interim rule that exempted red types of potatoes from the order's handling regulations for the remainder of the 2013–2014 fiscal period and subsequent fiscal periods. This rule also continues in effect the action that required handlers of red types of potatoes to submit reports during the period that red types of potatoes are exempt from regulation. Assessments on all fresh red types of potatoes handled under the order will remain in effect during the exemption period.

Imported potatoes are subject to regulations specified in 7 CFR part 980. Under those regulations, imported potatoes must meet the same or comparable grade, size, quality, and maturity requirements as specified for domestic potatoes under the order. Therefore, the exemption of red types of potatoes from the minimum grade, size, quality, and maturity requirements of the order also exempts red-skinned, round types of potatoes imported into the United States from the same requirements.

In an interim rule published in the **Federal Register** on February 12, 2014, and effective February 15, 2014, (79 FR 8253, Doc. No. FV–13–0068, FV13–946–3 IR), § 946.336 was amended to exempt red types of potatoes from the order's handling requirements for the remainder of the 2013–2014 fiscal period and subsequent fiscal periods. In addition, § 946.143 was modified to require that each person handling red types of potatoes submit a monthly report to the State of Washington Potato Committee (Committee) during the period that red types of potatoes are exempt from regulation. Lastly, pursuant to the section 8e, § 980.1 was revised to exempt imported red-skinned, round types of potatoes from the import regulations.

Final Regulatory Flexibility Analysis

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

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

There are 43 handlers of Washington potatoes subject to regulation under the order and approximately 267 producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. (13 CFR 121.201)

For the 2011–2012 marketing year, the Committee reports that 11,018,670 hundredweight of Washington potatoes were shipped into the fresh market. Based on average f.o.b. prices estimated by the USDA's Economic Research Service and Committee data on individual handler shipments, the Committee estimates that 42, or approximately 98 percent of the handlers, had annual receipts of less than $7,000,000.

In addition, based on information provided by the National Agricultural Statistics Service, the average producer price for Washington potatoes for 2011–2012 was $7.90 per hundredweight. Taking the 2011–2012 shipments of fresh potatoes in the marketing order area (11,018,670 hundredweight), multiplying it by the average producer price for Washington potatoes, $7.90, and then dividing it by the number of Washington potato producers (267) equates to an average gross annual revenue per producer of approximately $326,021. In view of the foregoing, the majority of Washington potato handlers and producers may be classified as small entities.

Information from the Foreign Agricultural Service, USDA, indicates that the dollar value of imported fresh potatoes averaged $128.962 million from 2008 to 2012, ranging from a low of approximately $106.502 million in 2012 to a high of approximately $155.358 million in 2008. Taking the average dollar value of imported fresh potatoes, $128.962 million, and dividing it by the number of potato importers, 571, results in average annual receipts per importer of approximately $226,000. Since this is below the SBA definition for small businesses (less than $7 million in annual sales), most potato importers may be classified as small entities.

This rule continues in effect the action that exempted red types of potatoes from the order's handling regulations and modified the order's reporting requirements for the remainder of the 2013–2014 fiscal period and subsequent fiscal periods. This rule also continues in effect the action that exempted imported red-skinned, round type potatoes from the minimum grade, size, quality, maturity, and inspection requirements of the potato import regulation. This change is expected to reduce overall industry expenses and provide the industry with the opportunity to explore alternative marketing strategies.

This rule modifies §§ 946.143, 946.336, and 980.1. Authority for the change in the order's rules and regulations is provided in § 946.52 of the order, while authority for reports and records is provided in § 946.70. The change in the potato import regulation is required under section 8e of the Act.

This rule is not anticipated to negatively impact small businesses. This rule exempts red types of potatoes from minimum quality, maturity, pack, marking, and inspection requirements for the remainder of the current fiscal period and subsequent fiscal periods. Though inspections are not mandatory for such potatoes during the exemption period, handlers may choose to voluntarily have their potatoes inspected. Handlers are thus able to control costs based on the demands of their customers. The opportunities and benefits of this rule are equally available to all Washington potato handlers and producers, regardless of their size.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Generic Vegetable and Specialty Crops.

This rule continues in effect the action requiring the submission of a monthly handler report for fresh red types of potatoes handled during the exemption period. The action modified the "Russet Fresh Potato Report" that was previously established for reporting the handling of russet type potatoes to now include red types of potatoes during the period those types of potatoes are exempted from regulation. The modified form, now titled the "Self-Reporting Potato Form," will provide the Committee with information necessary to track shipments and collect

assessments. The form modification has been approved by OMB.

While this rule continues in effect the action requiring a reporting requirement for red types of potatoes, the exemption of red types of potatoes from handling regulation also eliminates, for the exemption period, the more frequent reporting requirements imposed under the order's special purpose shipment exemptions (§ 946.336(d) and (e)). Under these paragraphs, handlers are required to provide detailed reports whenever they divert regulated potatoes for livestock feed, charity, seed, prepeeling, processing, grading and storing in specified counties in Oregon, and experimentation.

Therefore, any additional reporting or recordkeeping requirements on either small or large handlers of red types of potatoes are expected to be offset by the elimination of the other reporting requirements currently in effect. In addition, the exemption from handling regulation and inspection requirements for red types of potatoes is expected to reduce industry expenses.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meetings were widely publicized throughout the Washington potato industry and all interested persons were invited to participate in Committee deliberations. Like all Committee meetings, the May 9, July 16, and December 10, 2013, meetings were public meetings. All entities, both large and small, were able to express views on this issue.

Comments on the interim rule were required to be received on or before April 14, 2014. No comments were received. Accordingly, for the reasons given in the interim rule, USDA is adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-13-0068-0001.*

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

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

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (79 FR 8253, February 12, 2014) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

7 CFR Part 980

Food grades and standards, Imports, Marketing agreements, Onions, Potatoes, Tomatoes.

PARTS 946 and 980 [AMENDED]

■ Accordingly, the interim rule that amended 7 CFR parts 946 and 980 and that was published at 79 FR 8253 on February 12, 2014, is adopted as final without change.

Dated: July 10, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–16635 Filed 7–15–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

[Docket No. AMS–FV–13–0090; FV14–987–2 FR]

Domestic Dates Produced or Packed in Riverside County, California; Revision of Assessment Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the rules and regulations of the California date marketing order (order) to impose interest and late payment charges on overdue handler assessments. The order regulates the handling of dates produced or packed in Riverside County, California, and is administered locally by the California Date Administrative Committee (committee). Assessments upon date handlers are used to fund the reasonable and necessary expenses of the committee. These changes are expected to assist in the financial administration of the order by encouraging handlers to pay their assessments in a timely manner.

DATES: Effective July 17, 2014.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Senior Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Terry.Vawter@ams.usda.gov* or *Martin.Engeler@ams.usda.gov.*

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

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 987, as amended (7 CFR Part 987), regulating the handling of dates produced or packed in Riverside County, California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

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

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

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

This final rule revises the rules and regulations of the California date order to impose interest and late payment charges on overdue handler assessments. Interest and late payment charges will encourage California date handlers to pay their assessments promptly when billed by the committee.

The order was amended on June 25, 2012, [77 FR 37762], to provide authority for the committee to recommend these actions, thereby permitting these changes through informal rulemaking, with the approval of the Secretary.

Section 987.72 of the order establishes the authority for the committee to collect assessments from handlers. Paragraph (b) of that section specifically authorizes the committee to establish rules and regulations regarding delinquent assessment payments, including subjecting overdue assessments to an interest or late payment charge, or both; and authorizes the committee to recommend to USDA the period of time at which assessments become late, the rate of interest, and the late payment charge to be imposed on such delinquent assessments.

The California date industry is a small industry with 70 producers and 11 handlers. If a handler withholds an assessment payment, it has an impact on the committee's ability to administer the order. The committee believes that charging interest and late payment fees will provide a greater incentive for handlers to make assessment payments on time. This in turn, will help ensure that the committee is able to meet its financial obligations and fund its programs on a continuing basis.

Charging interest and late payment fees on unpaid financial obligations is commonplace in the business world, and such charges bring the committee's financial operations in line with standard business practices. Such charges remove any financial advantage for those who do not pay on time while they benefit from committee programs, thus, creating a more level playing field for the industry.

For those reasons, the committee unanimously recommended an interest rate of 1.5 percent per month, a late payment charge of 10 percent on the unpaid balance, and specified that assessment payments become overdue at 60 days after the date on the assessment invoice. This recommendation was made at a committee meeting on October 31, 2013. Based upon the above considerations, this rule will implement interest and late payment charges for delinquent payment of assessments.

Final Regulatory Flexibility Analysis

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

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

There are approximately 70 date producers in the production area and 11 handlers subject to regulation under the marketing order. The Small Business Administration defines small agricultural producers as those having annual receipts of less than $750,000, and small agricultural service firms as those whose annual receipts are less than $7,000,000. (13 CFR 121.201)

According to the National Agricultural Statistics Service (NASS), data for the most recently completed crop year (2012) show that about 3.70 tons, or 7,400 pounds of dates were produced per acre. The 2012 grower price published by NASS was $1,340 per ton or $0.67 per pound. Thus, the value of date production per acre in the 2012–13 crop year averaged about $4,958 (7,400 pounds times $0.67 per pound). At that average price, a producer would have to farm over 151 acres to receive an annual income from dates of $750,000 ($750,000 divided by $4,958 per acre equals 151.2 acres). According to committee staff, the majority of California date producers farm less than 151 acres. Therefore, it can be concluded that the majority of date producers could be considered small entities.

Additionally, based on data from the committee staff, the majority of California date handlers have receipts of less than $7,000,000, and may also be considered small entities.

This final rule imposes an interest charge of 1.5 percent monthly, and a late payment charge of 10 percent on the unpaid balance of handler assessments owed to the committee 60 days after the date on the assessment invoice.

At the meeting, the committee discussed the impact of these changes on handlers. They noted that the greatest impact would be only on handlers who do not pay their assessments on time. Such charges provide an incentive for all handlers to pay their assessments in a timely manner.

The committee also discussed alternatives to these changes including not implementing them at all. It was determined that not implementing interest and late payment charges allows the current problem to continue. Late or delinquent assessment payments negatively impact the committee's ability to efficiently manage the program's resources and meet budget obligations. The committee concluded that encouraging timely assessment payment through the imposition of interest and late payment charges will benefit the administration of the order. Thus, the committee unanimously recommended these changes.

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

This action imposes no additional reporting or recordkeeping requirements on either small or large Riverside County, California, date handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

In addition, the committee's meeting was widely publicized throughout the California date industry and all interested persons were invited to attend the meeting and encouraged to participate in committee deliberations on all issues. Like all committee meetings, the October 31, 2013, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

A proposed rule concerning this action was published in the **Federal Register** on April 7, 2014 (79 FR 19028). Copies of the rule were provided to all committee members and date handlers. Finally, the rule was made available through the Internet by USDA and the Office of the **Federal Register**. A 60-day comment period ending June 6, 2014, was provided to allow interested persons to respond to the proposal. No comments were received. Accordingly, no changes will be made to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance

guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

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

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because handlers are already aware of the rule, which was recommended at a public meeting. Further, the new crop year begins on August 1, and the committee needs time to institute the changes. In addition, a 60-day comment period was provided for in the proposed rule.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is amended as follows:

PART 987—DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

■ 1. The authority citation for 7 CFR part 987 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 987.172 [Amended]

■ 2. Section 987.172 is amended by revising the section heading, redesignating the existing paragraph as paragraph (a), and adding paragraphs (b) and (c) to read as follows:

§ 987.172 Adjustment of assessment obligation, and late payment and interest charges.

* * * * *

(b) Pursuant to § 987.72, the committee shall impose an interest charge on any handler whose assessment payment has not been received in the committee's office, or the envelope containing the payment legibly postmarked by the U.S. Postal Service, within 60 days of the invoice date shown on the handler's statement. The interest charge shall be a rate of one and one half percent per month, and shall be applied to the unpaid assessment balance for the number of days all or any part of the unpaid balance is delinquent beyond the 60-day payment period.

(c) In addition to the interest charge specified in paragraph (b) of this section, the committee shall impose a late payment charge on any handler whose payment has not been received in the committee's office, or the envelope containing the payment legibly postmarked by the U.S. Postal Service, within 60 days of the invoice date. The late payment charge shall be 10 percent of the unpaid balance.

Dated: July 10, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–16637 Filed 7–15–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2012–BT–TP–0016]

RIN 1904–AC76

Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers; Correction

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

ACTION: Correcting amendments.

SUMMARY: On April 21, 2014, the U.S. Department of Energy (DOE) published a final rule in the **Federal Register** that amended the test procedure for refrigerators, refrigerator-freezers, and freezers (79 FR 22320). Due to drafting errors, that document incorrectly listed the name of a third-party test procedure that was incorporated by reference. This final rule corrects those errors.

DATES: This correction is effective July 16, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Lucas Adin, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1317. Email: *Lucas.Adin@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On April 21, 2014, DOE's Office of Energy Efficiency and Renewable Energy published a test procedure final rule in the **Federal Register** titled, "Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers" ("April 2014 final rule"). 79 FR 22320. Since the publication of that final rule, it has come to DOE's attention that, due to a technical oversight, certain portions of the regulatory text adopted in the April 2014 final rule for appendix A to subpart B of 10 CFR part 430 (Appendix A) contained erroneous references to AS/NZS 4474.1:2007, Performance of Household Electrical Appliances—Refrigerating Appliances; Part 1: Energy Consumption and Performance, Second edition, published August 15, 2007, which is incorporated by reference at § 430.3. Specifically, several references to this standard in Appendix A are incorrectly listed as "AZ/NZS 44474.1:2007." The text of § 430.3 correctly references this incorporated standard. DOE has also become aware that the text adopted in the April 2014 final rule for appendix B to subpart B of 10 CFR part 430 (Appendix B) contains an error in a formula in section 5.2.1.3, in that the published version is missing the "K" adjustment factor present in the other formulas in section 5.2 of the test procedure.

II. Need for Correction

As published, the adopted test procedure text may result in confusion due to the incorrect reference in Appendix A and the incorrect formula in Appendix B. Because this final rule would simply correct errors in the text without making substantive changes to the test procedures, the changes addressed in this document are technical in nature. Accordingly, DOE finds that there is good cause under 5 U.S.C. 553(b)(B) to not issue a separate notice to solicit public comment on the changes contained in this document. Issuing a separate notice to solicit public comment would be impracticable, unnecessary, and contrary to the public interest.

III. Procedural Requirements

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the April 21, 2014 test procedure final rule remain unchanged for this final rule technical correction. These determinations are set forth in the April 21, 2014 final rule. 79 FR at 22345–22348.

Correction to Preamble

In FR Doc. 2014–08644, published on April 21, 2014 (79 FR 22320), on page 22320, in the second column, in the Supplementary Information section,

amend the first paragraph by removing the numeric phrase "44474.1:2007" and adding in its place "4474.1:2007".

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

For the reasons stated in the preamble, DOE corrects 10 CFR part 430 as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

Appendix A to Subpart B of Part 430 [Corrected]

■ 2. Appendix A to subpart B of part 430 is amended by removing the numeric phrase "44474.1:2007" and adding in its place "4474.1:2007" in:

■ a. Section 1.5 in four places;

■ b. Section 3.3 in two places; and

■ c. Section 6.2.2.3 in two places.

Appendix B to Subpart B of Part 430 [Corrected]

■ 3. Appendix B to subpart B of part 430 is amended in section 5.2.1.3 by:

■ a. Removing the formula "ET = (1440 × EP1/T1) + (EP2 − (EP1 × T2/T1)) × (12/CT)" and adding in its place "ET = (1440 × K × EP1/T1) + (EP2 − (EP1 × T2/T1)) × K × (12/CT)"; and

■ b. Removing the phrase "1440 is defined in 5.2.1.1 and EP1, EP2, T1, T2, and 12 are defined in 5.2.1.2;" and adding in its place "ET, 1440, and K are defined in section 5.2.1.1 and EP1, EP2, T1, T2, and 12 are defined in section 5.2.1.2;".

Issued in Washington, DC, on July 10, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–16720 Filed 7–15–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No.FAA–2014–0240; Notice No. 25–558–SC]

Special Conditions: Embraer S.A.; Model EMB–550 Airplane; Stowage Compartment Fire Protection

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Embraer S.A. Model EMB–550 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology and design envisioned in the airworthiness standards for transport category airplanes. This design feature is the installation of a stowage compartment in the lavatory. The isolation of this stowage compartment from the main cabin could hinder the ability of the flight crew to detect a fire. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* August 15, 2014.

FOR FURTHER INFORMATION CONTACT: Robert C. Jones, FAA, Propulsion and Mechanical Systems Branch, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1234; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Background

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 14, 2009, Embraer S.A. applied for a type certificate for its new Model EMB–550 airplane. The Model EMB–550 airplane is the first of a new family of jet airplanes designed for corporate flight, fractional, charter, and private owner operations. The airplane has a configuration with low wing and T-tail empennage. The primary structure is metal with composite empennage and control surfaces. The Model EMB–550 airplane is designed for 8 passengers, with a maximum of 12 passengers. It is equipped with two Honeywell AS907–3–1E medium bypass ratio turbofan engines mounted on aft fuselage pylons. Each engine produces approximately 6,540 pounds of thrust for normal takeoff.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Embraer S.A. must show that the Model EMB–550 meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–127.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model EMB–550 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Model EMB–550 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the "Noise Control Act of 1972."

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

Novel or Unusual Design Features

The Model EMB–550 will incorporate the following novel or unusual design features: A stowage compartment, designed to store passenger belongings, located in the lavatory. The stowage compartment may be isolated from the main passenger cabin by two doors (lavatory and stowage compartment doors), which could hinder the ability to detect smoke or fire. The installation of a stowage compartment in the lavatory is a novel and unusual design feature for which the applicable airworthiness

regulations do not contain adequate or appropriate safety standards.

Discussion

Embraer did not classify the EMB–550 stowage compartment in the aft part of the pressurized area as a Class B cargo compartment due to its relatively small volume of 37 cubic feet. The compartment has a door that is intended to be closed in all phases of flight but can be opened to allow passenger access during flight. The lavatory door must be kept open for takeoff and landing but will likely be kept closed in all other phases of flight.

Due to the facts that the stowage compartment is not classified as a Class B cargo compartment and may be isolated from the main cabin by two doors during flight, and considering that it will be used to store passenger belongings, existing requirements for stowage compartments are not adequate to address fire protection concerns. The isolation characteristics and the possibility of storing items that may start a fire create the potential for an undetected fire event.

Additional safety precautions are required to avoid a situation where a fire condition remains undetected in an isolated stowage compartment. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of the Comments

Notice of proposed special conditions No. 25–14–02–SC for the Embraer Model EMB–550 airplane was published in the **Federal Register** on April 15, 2014 (79 FR 20818). One commenter suggested changes to two paragraphs in the proposed special conditions. The commenter believes the changes would provide more specificity and clarification.

The commenter suggested we include both "smoke" and "fire" in paragraph 1a of the special conditions, as both terms are used in the referenced regulation. We agree and have incorporated the proposed changes accordingly. We historically have used smoke and fire synonymously and believe that it remains appropriate.

The commenter also suggested the special conditions include the amendment level for § 25.858. We agree and have incorporated this comment.

The commenter suggested that the special condition only require the annunciation be provided to the flight crew, in order to be consistent with § 25.858. We agree that the requirement should be consistent with § 25.858, and have removed the flight deck indication text and simply required the system meet § 25.858.

The commenter also recommended that the special conditions require the indication to the flight deck be provided within one minute, in order to be consistent with § 25.858. In discussions with the applicant all parties agreed to the need to detect a fire within 60 seconds per the current § 25.858 as referenced. With the change to simply require the system meet § 25.858 noted above, it would be redundant to include the 60-second detection time in the special conditions.

In the second comment, the commenter suggested text changes to remove any ambiguity over whether protective breathing equipment would be required. We agree that the proposed text is clearer and have incorporated the proposed changes accordingly.

Applicability

As discussed above, these special conditions are applicable to the Embraer Model EMB–550. Should Embraer S.A. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

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

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Embraer S.A. Model EMB–550.

1. *Stowage Compartment Fire Protection.*

a. A means for smoke or fire detection that meets the provisions of § 25.858 at Amendment 25.93 is required regardless of the fact that the compartment is not classified as a cargo compartment per § 25.857 (only a "stowage" compartment).

b. In addition to the requirements of § 25.851, at least one hand-held or manually-activated compartment fire extinguisher appropriate to the kinds of fires likely to occur must be provided for the lavatory. If a hand-held fire extinguisher is provided, then protective breathing equipment must be provided with the extinguisher.

c. Sufficient access must be provided to enable a crew member to effectively reach any part of the stowage compartment with the content of a hand-held fire extinguisher.

d. When the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers.

e. A liner must be provided that meets the requirements of § 25.855 at Amendment 25–60 for a Class B cargo compartment unless it can be shown that the material used to construct the stowage compartment meets the flammability requirements by a 60-second vertical test in lieu of 12-second vertical test and by presenting past test results of typical panels that meet the 45-degree flame penetration test.

Issued in Renton, Washington, on June 17, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–16644 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No.FAA–2014–0100; Notice No. 25–557–SC]

Special Conditions: Embraer S.A., Model EMB–550 Airplane; Operation Without Normal Electrical Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Embraer S.A. Model EMB–550 airplanes. This airplane will have a novel or unusual design feature associated with electrical and electronic systems that perform critical functions, the loss of which could be catastrophic to the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is July 16, 2014. We must receive your comments by August 15, 2014.

ADDRESSES: Send comments identified by docket number FAA–2014–0100 using any of the following methods:

- Federal eRegulations Portal: Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.
- Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/*, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations 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: Stephen Slotte, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2315; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 14, 2009, Embraer S.A. applied for a type certificate for its new Model EMB–550 airplane. The Model EMB–550 airplane is the first of a new family of jet airplanes designed for corporate flight, fractional, charter, and private owner operations. The airplane has a configuration with low wing and T-tail empennage. The primary structure is metal with composite empennage and control surfaces. The Model EMB–550 airplane is designed for eight (8) passengers, with a maximum of twelve (12) passengers. It is equipped with two Honeywell AS907–3–1E medium bypass ratio turbofan engines mounted on aft fuselage pylons. Each engine produces approximately 6,540 pounds of thrust for normal takeoff.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Embraer S.A. must show that the Model EMB–550 meets the applicable provisions of part 25 as amended through Amendments 25–1 through 25–127 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model EMB–550 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Model EMB–550 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92 574, the "Noise Control Act of 1972."

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

Novel or Unusual Design Features

The Model EMB–550 airplane will incorporate the following novel or unusual design feature: Electrical and electronic systems that perform critical functions. Examples of these systems include the electronic displays, electronic flight controls, and electronic engine controls.

The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion

The Model EMB–550 incorporates an electronic flight control system that requires a continuous source of electrical power in order to keep the system operable. The criticality of this system is such that its failure will either reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, or prevent continued safe flight and landing of the airplane. The airworthiness standards of part 25 do not contain adequate or appropriate standards for protection of these systems from the adverse effects of operation without normal electrical power.

The current rule, § 25.1351(d), Amendment 25–72, requires safe operation under visual flight rules (VFR) conditions for at least five minutes after loss of all normal electrical power. This rule was structured around traditional airplane designs that used mechanical control cables and linkages for flight control. These manual controls allowed the crew to maintain aerodynamic control of the airplane for an indefinite period of time after loss of all electrical power. Under these conditions, the

mechanical flight control system provided the crew with the ability to fly the airplane while attempting to identify the cause of the electrical failure, start the engine(s) if necessary, and reestablish some of the electrical power generation capability, if possible.

To maintain the same level of safety associated with traditional designs, the Model EMB–550 must be designed for operation with the normal sources of engine and auxiliary power unit (APU)-generated electrical power inoperative. Service experience has shown that loss of all electrical power from the airplane's engine and APU-driven generators is not extremely improbable. Thus, Embraer must demonstrate that the airplane is capable of recovering adequate primary electrical power generation for safe flight and landing.

The emergency electrical power system must be designed to supply:

1. Electrical power required for immediate safety, which must continue to operate without the need for crew action following the loss of the normal engine (which includes APU power) generator electrical power system;
2. Electrical power required for continued safe flight and landing; and
3. Electrical power required to restart the engines.

Applicability

As discussed above, these special conditions are applicable to the Embraer S.A. Model EMB–550 airplane. Should Embraer S.A. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

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

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Embraer S.A. Model EMB–550 airplane.

Operation Without Normal Electrical Power

In lieu of 14 CFR 25.1351(d) the following special conditions apply to ensure that the airplane has sufficient electrical power for continued safe flight and landing.

1. The applicant must show by test or a combination of test and analysis that the airplane is capable of continued safe flight and landing with all normal electrical power sources inoperative, as prescribed by paragraphs (1)(a) and (1)(b) below.

For purposes of these special conditions, normal sources of electrical-power generation do not include any alternate power sources such as a battery, ram-air turbine (RAT), or independent power systems such as a flight-control permanent-magnet generating system.

In showing capability for continued safe flight and landing, consideration must be given to systems capability, effects on crew workload and operating conditions, and the physiological needs of the flightcrew and passengers for the longest diversion time for which approval is sought.

a. Common-cause failures, cascading failures, and zonal physical threats must be considered in showing compliance with this requirement.

b. The ability to restore operation of portions of the electrical-power generation and distribution system may be considered if it can be shown that unrecoverable loss of those portions of the system is extremely improbable. An alternative source of electrical power must be provided for the time required to restore the minimum electrical-power-generation capability required for safe flight and landing. Unrecoverable loss of all engines may be excluded when showing that unrecoverable loss of critical portions of the electrical system is extremely improbable. Unrecoverable loss of all engines is covered in special condition 2, below, and thus may be excluded when showing compliance with this requirement.

2. Regardless of any electrical-generation and distribution-system recovery capability shown under special condition 1, above, sufficient electrical-system capability must be provided to:

a. Allow time to descend, with all engines inoperative, at the speed that provides the best glide slope, from the maximum operating altitude to the altitude at which the soonest possible engine restart could be accomplished, and

b. Subsequently allow multiple start attempts of the engines and APU. This capability must be provided in addition to the electrical capability required by existing part 25 requirements related to operation with all engines inoperative.

3. The airplane emergency electrical-power system must be designed to supply:

a. Electrical power required for immediate safety, which must continue to operate without the need for crew action following the loss of the normal electrical power, for a duration sufficient to allow reconfiguration to provide a non-time-limited source of electrical power.

b. Electrical power required for continued safe flight and landing for the maximum diversion time.

4. If APU-generated electrical power is used in satisfying the requirements of these special conditions, and if reaching a suitable runway upon which to land is beyond the capacity of the battery systems, then the APU must be able to be started under any foreseeable flight condition prior to the depletion of the battery or the restoration of normal electrical power, whichever occurs first. Flight tests must demonstrate this capability at the most critical condition.

a. It must be shown that the APU will provide adequate electrical power for continued safe flight and landing.

b. The operating limitations section of the airplane flight manual (AFM) must incorporate non-normal procedures that direct the pilot to take appropriate actions to activate the APU after loss of normal engine-driven generated electrical power.

As a part of showing compliance with these special conditions, the tests by which loss of all normal electrical power is demonstrated must also take into account the following:

1. The failure condition should be assumed to occur during night IMC, at the most critical phase of the flight, relative to the worst possible electrical-

power distribution and equipment-loads-demand condition.

2. After the un-restorable loss of normal engine generator power, the airplane-engine-restart capability must be provided and operations continued in IMC.

3. It should be demonstrated that the aircraft is capable of continued safe flight and landing. The length of time must be computed based on the maximum diversion-time capability for which the airplane is being certified. Consideration for airspeed reductions resulting from the associated failure or failures must be made.

4. The airplane must provide adequate indication of loss of normal electrical power to direct the pilot to the non-normal procedures, and the operating limitations section of the AFM must incorporate non-normal procedures that will direct the pilot to take appropriate actions.

Issued in Renton, Washington, on June 17, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–16643 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 200, 257, 4000, and 4001

[Docket No. FR–5790–F–01]

RIN 2501–AD68

Removal of HOPE for Homeowners Program Regulations

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: Through this rule, HUD removes regulations for the HOPE for Homeowners Program. The statutory authority for this program expired September 30, 2011. Because these regulations are no longer operative, they are being removed by this final rule. To the extent that local programs are still ongoing under the following repealed parts, the removal of these regulations does not affect the requirements for transactions entered into when the regulations were in effect. Loans made under the HOPE for Homeowners Program that are presently insured will continue to be governed by the regulations that existed immediately before the effective date of this final rule.

DATES: *Effective date:* August 15, 2014.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410; telephone number 202–708–1793 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service, toll-free at 800–877–8389.

SUPPLEMENTARY INFORMATION:

I. Background

The HOPE for Homeowners Act of 2008 (title IV of Division A of the Housing and Economic Recovery Act of 2008 (HERA) (Pub. L. 110–289, 122 Stat. 2654, approved July 30, 2008) added a new section 257 to the National Housing Act (NHA) (12 U.S.C. 1701z–22) that established a temporary program within HUD's Federal Housing Administration (FHA) that offered homeowners and mortgage loan holders (or servicers acting on their behalf) insurance on the refinancing of distressed mortgagors to support long-term sustainable homeownership and avoid foreclosure. Section 257 authorized FHA to refinance eligible mortgages commencing no earlier than October 1, 2008, and such authority to refinance expired on September 30, 2011. The fundamental principle behind the HOPE for Homeowners Act and the HOPE for Homeowners Program was that providing new equity for distressed homeowners may be an effective way to help homeowners avoid foreclosure.

The HOPE for Homeowners Act also established a Board of Directors to administer the program. The Board is composed of the Secretary of HUD, the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation or their respective designees. Section 257(c)(1) of the NHA requires the Board to establish program requirements and standards for the HOPE for Homeowners Program and prescribe such regulations and provide such guidance as may be necessary or appropriate to implement such requirements and standards. Under the administration of the Board, the HOPE for Homeowners Program regulations were promulgated on October 6, 2008, at 73 FR 58418, and codified at 24 CFR part 4001.[1] By rule published on February 20, 2009, at 74 FR 7812, the Board of Directors adopted regulations that would govern access to records of the Board under the Freedom of Information Act. These regulations were codified at 24 CFR part 4000.[2]

The Emergency Economic Stabilization Act of 2008 (Pub. L. 110–343, 122 Stat. 3765, approved October 3, 2008) (EESA), specifically section 124 of EESA, amended section 257 of the NHA to provide additional flexibility and options to lenders participating in the HOPE for Homeowners Program. Among other things, section 124 of EESA authorizes upfront payments to a holder of an existing subordinate mortgage in lieu of providing the subordinate lien holder with a portion of HUD's 50 percent interest in the future appreciation of the value of the property. On January 7, 2009, at 74 FR 617, the Board published a rule to implement the changes made by EESA.

On May 20, 2009, the President signed into law the Helping Families Save Their Homes Act of 2009 (Division A of Pub. L. 111–22, 123 Stat. 1632, approved May 20, 2009) (Helping Families Act). Section 202 of the Helping Families Act makes several amendments to section 257 of the NHA to enhance operation of the HOPE for Homeowners Program and to provide additional flexibility to participants. In addition, the Helping Families Act transferred responsibility, including rulemaking authority, for the HOPE for Homeowners Program from the Board of Directors to the Secretary of HUD. The Board of Directors would assist the program in an advisory capacity to the Secretary of HUD. With the transfer of responsibility for administration of the program from the Board of Directors to HUD, HUD promulgated new regulations for the HOPE for Homeowners Program that incorporated the changes made by EESA and the Helping Families Act. The regulations were published on January 12, 2010, at 75 FR 1686, and codified at 24 CFR part 257.

This Final Rule

Although changes were made to the HOPE for Homeowners Program by EESA and the Helping Families Act, the expiration of the program was not altered and the authority for the HOPE for Homeowners Program expired on September 30, 2011. Accordingly, this final rule removes the regulations for the HOPE for Homeowners Program, codified in 24 CFR parts 257, 4000 and 4001. On June 10, 2011, FHA issued a mortgagee letter entitled "Termination of the HOPE for Homeowners (H4H) Program" that provided instructions to FHA-approved mortgagees on how to

[1] See *http://www.gpo.gov/fdsys/pkg/FR-2008-10-06/pdf/E8-23612.pdf.*

[2] See *http://www.gpo.gov/fdsys/pkg/FR-2009-02-20/pdf/E9-3582.pdf.*

process cases during the phasing out of the HOPE for Homeowners Program. The mortgagee letter stated that to ensure close-out of the program by September 30, 2011, the date of expiration of the statutory authority for this program, FHA would not issue any case numbers for this program after July 29, 2011, and advised that eligible mortgages would not be insured after September 30, 2011.[3]

Mortgages presently insured under the program will continue to be governed by the regulations in effect August 15, 2014, and the contracts of mortgage insurance will not be affected by the removal of these regulations. Accordingly, this rule amends § 200.1301 (Expiring Programs—Savings Clause) of 24 CFR part 200, subpart W (Administrative Matters) to add a new paragraph (e) to § 200.1301, which lists the parts associated with the HOPE for Homeowners Program regulations and states that any existing loan assistance, ongoing participation, or insured loans under these parts will continue to be governed by the regulations in effect as they existed immediately before August 15, 2014. In addition to this amendment, HUD amends 24 CFR part 200, subpart W, to consolidate other expired regulations with savings clauses into a single section, § 200.1301. Accordingly, HUD removes § 200.1302, which listed additional expired programs.

II. Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a final rule for effect, in accordance with HUD's own regulations on rulemaking in 24 CFR part 10. Part 10 provides, however, for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest." (See 24 CFR 10.1.)

HUD finds that public notice and comment are not necessary for this rulemaking because the authority for the HOPE for Homeowners Program expired on September 30, 2011; mortgages are no longer being insured under this program; and, therefore, the regulations are no longer operative. For these reasons, HUD has determined that it is unnecessary to delay the effectiveness of this rule in order to solicit prior public comment.

[3] See *http://portol.hud.gov/hudportol/HUD?src=/progrom_offices/odministration/hudclips/letters/mortgogee/2011ml.*

III. Findings and Certification

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

Unfunded Mandates Reform

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA)[4] requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any 1 year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.[5] However, the UMRA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to the Administrative Procedure Act (APA).[6] As discussed above, HUD has determined for good cause that the APA does not require general notice and public comment on this rule and, therefore, the UMRA does not apply to this final rule.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This final rule will not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive order.

[4] 2 U.S.C. 1532.
[5] 2 U.S.C. 1534.
[6] 2 U.S.C. 1532(a).

Environmental Review

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction; nor establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 257

Administrative procedures, Practice and procedure, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 4000

Loan programs, Mortgage insurance, Access to information.

24 CFR Part 4001

Administrative procedures, Practice and procedure, Mortgage insurance, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, and under the authority of 42 U.S.C. 3535(d), amend title 24 of the Code of Federal Regulations as follows:

PART 200—INTRODUCTION TO FHA PROGRAMS

■ 1. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

■ 2. Revise § 200.1301 to read as follows:

§ 200.1301 Expiring programs—Savings clause.

(a) No new loan assistance, additional participation, or new loans are being insured under the programs listed in

this section. Existing loan assistance, ongoing participation, or insured loans under the programs shall continue to be governed by regulations in effect as described in this section.

(b) Any existing loan assistance, ongoing participation, or insured loans under the programs listed in this paragraph will continue to be governed by the regulations in effect as they existed immediately before October 11, 1995 (24 CFR parts 205, 209, 224–228, 240, 277, 278, 1994 edition):

(1) Part 205, Mortgage Insurance for Land Development (Title X of the National Housing Act, repealed by section 133(a) of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101–235, approved December 15, 1989).

(2) Part 209, Individual Homes; War Housing Mortgage Insurance (12 U.S.C. 1736–1743).

(3) Part 224, Armed Services Housing-Military Personnel (12 U.S.C. 1736–1746a).

(4) Part 225, Military Housing Insurance (12 U.S.C. 1748b).

(5) Part 226, Armed Services Housing-Civilian Employees (12 U.S.C. 1748h–1).

(6) Part 227, Armed Services Housing-Impacted Areas (12 U.S.C. 1478h–2).

(7) Part 228, Individual Residences; National Defense Housing Mortgage Insurance (12 U.S.C. 1750 as amended by 42 U.S.C. 1591c).

(8) Part 240, Mortgage Insurance on Loans for Fee Title Purchase (12 U.S.C. 1715z–5).

(9) Part 277, Loans for Housing for the Elderly or Handicapped (12 U.S.C. 1701q).

(10) Part 278, Mandatory Meals Program in Multifamily Rental or Cooperative Projects for the Elderly or Handicapped (12 U.S.C. 1701q).

(c) Any existing loan assistance, ongoing participation, or insured loans under the programs listed in this paragraph will continue to be governed by the regulations in effect as they existed immediately before May 11, 1996 (24 CFR parts 215, 222, and 237, 1995 edition):

(1) Part 215, Rent Supplement Payments Program (12 U.S.C. 1715f).

(2) Part 222, Service Person's Mortgage Insurance Program (12 U.S.C. 1715m).

(3) Part 237, Special Mortgage Insurance for Low and Moderate Income Families (12 U.S.C. 1715z–2).

(d) Any existing loan assistance, ongoing participation, or insured loans under the program listed in this paragraph will continue to be governed by the regulations in effect as they existed immediately before December 26, 1996 (24 CFR part 233, 1995 edition):

(1) Part 233, Experimental Housing Mortgage Insurance Program (12 U.S.C. 1715x).

(2) [Reserved]

(e) Any existing loan assistance, ongoing participation, or insured loans under the program listed in this paragraph will continue to be governed by the regulations in effect as they existed immediately before August 15, 2014 (24 CFR part 257):

(1) Part 257, HOPE for Homeowners Program (12 U.S.C. 1701z–22).

(2) [Reserved]

§ 200.1302 [Removed]

■ 3. Remove § 200.1302.

PART 257 [Removed]

■ 4. Remove part 257.

PART 4000 [Removed]

■ 5. Remove part 4000.

PART 4001 [Removed]

■ 6. Remove part 4001.

Dated: July 8, 2014.

Shaun Donovan,

Secretary.

[FR Doc. 2014–16613 Filed 7–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9676]

RIN 1545–BJ59

Allocation and Apportionment of Interest Expense

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that provide guidance concerning the allocation and apportionment of interest expense by corporations owning a 10 percent or greater interest in a partnership, as well as the allocation and apportionment of interest expense using the fair market value method. These regulations also update the interest allocation regulations to conform to the statutory changes made by section 216 of the legislation commonly referred to as the Education Jobs and Medicaid Assistance Act (EJMAA), enacted on August 10, 2010, affecting the affiliation of certain foreign corporations for purposes of section 864(e). These regulations affect taxpayers that allocate and apportion interest expense.

DATES: *Effective Date:* These regulations are effective on July 16, 2014.

Applicability Dates: For dates of applicability, see §§ 1.861–9(k) and 1.861–11(d)(6)(ii).

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Parry, (202) 317–6936 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

On September 14, 1988, a notice of proposed rulemaking by cross-reference to temporary regulations and temporary regulations (TD 8228) under section 861 of the Internal Revenue Code (Code) (the 1988 temporary regulations) were published in the **Federal Register** at [53 FR 35525] and [53 FR 35467], respectively. On January 17, 2012, a notice of proposed rulemaking by cross-reference to temporary regulations (REG–113903–10) and temporary regulations (the 2012 temporary regulations) (TD 9571) which revised, in part, the 1988 temporary regulations, were published in the **Federal Register** at [77 FR 2240] and [77 FR 2225], respectively. Corrections to the 2012 temporary regulations were published on February 21, 2012, in the **Federal Register** at [77 FR 9844]. No written comments were received on the 2012 temporary regulations or on the portion of the 1988 temporary regulations included in this regulation. A public hearing was not requested and none was held. This Treasury decision adopts the proposed regulations published in connection with the 2012 temporary regulations, as well as the portions of § 1.861–9T(e)(2) and (3) of the 1988 temporary regulations that were not amended by the 2012 temporary regulations, with no substantive change.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13653. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f), the notice of proposed rulemaking preceding this regulation

was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Jeffrey L. Parry of the Office of Chief Counsel (International). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.861–9 is amended by
■ 1. Revising paragraphs (a), (b), (c), (d), (e), (f)(1), (f)(2), (f)(3)(i), (f)(5), (g), (h)(1), (h)(2), (h)(3), and (h)(4); and
■ 2. Adding five new sentences to the end of paragraph (k).

The revisions and addition read as follows:

§ 1.861–9 Allocation and apportionment of interest expense.

(a) through (e)(1) [Reserved]. For further guidance, see § 1.861–9T(a) through (e)(1).

(2) *Corporate partners whose interest in the partnership is 10 percent or more.* A corporate partner shall apportion its interest expense, including the partner's distributive share of partnership interest expense, by reference to the partner's assets, including the partner's pro rata share of partnership assets, under the rules of paragraph (f) of this section if the corporate partner's direct and indirect interest in the partnership (as determined under the attribution rules of section 318) is 10 percent or more. A corporation using the tax book value method or alternative tax book value method of apportionment shall use the partnership's inside basis in its assets, including adjustments under sections 734(b) and 743(b), if any, and adjusted to the extent required under § 1.861–10T(d)(2). A corporation using the fair market value method of apportionment shall use the fair market value of the partnership's assets, adjusted to the extent required under § 1.861–10T(d)(2).

(3) *Individual partners who are general partners or who are limited partners with an interest in the partnership of 10 percent or more.* An individual partner is subject to the rules of this paragraph (e)(3) if either the individual is a general partner or the individual's direct and indirect interest (as determined under the attribution rules of section 318) in the partnership is 10 percent or more. The individual shall first classify his or her distributive share of partnership interest expense as interest incurred in the active conduct of a trade or business, as passive activity interest, or as investment interest under regulations issued under sections 163 and 469. The individual must then apportion his or her interest expense, including the partner's distributive share of partnership interest expense, under the rules of paragraph (d) of this section. Each such individual partner shall take into account his or her distributive share of the partnership gross income or pro rata share of the partnership assets in applying such rules. An individual using the tax book value or alternative tax book value method of apportionment shall use the partnership's inside basis in its assets, including adjustments under sections 734(b) and 743(b), if any, and adjusted to the extent required under § 1.861–10T(d)(2). An individual using the fair market value method of apportionment shall use the fair market value of the partnership's assets, adjusted to the extent required under § 1.861–10(d)(2).

(e)(4) through (f)(3)(i) [Reserved]. For further guidance, see § 1.861–9T(e)(4) through (f)(3)(i).

* * * * *

(f)(5) through (h)(3) [Reserved]. For further guidance, see § 1.861–9T(f)(5) through (h)(3).

(h)(4) *Valuing related party debt and stock in related persons*—(i) *Related party debt.* For purposes of this section, the value of a debt obligation of a related person held by the taxpayer or another person related to the taxpayer equals the amount of the liability of the obligor related person.

(ii) *Stock in related persons.* The value of stock in a related person held by the taxpayer or by another person related to the taxpayer equals the sum of the following amounts reduced by the taxpayer's pro rata share of liabilities of such related person:

(A) The portion of the value of intangible assets of the taxpayer and related persons that is apportioned to such related person under § 1.861–9T(h)(2);

(B) The taxpayer's pro rata share of tangible assets held by the related person (as determined under § 1.861–9T(h)(1)(ii));

(C) The taxpayer's pro rata share of debt obligations of any related person held by the related person (as valued under paragraph (h)(4)(i) of this section); and

(D) The total value of stock in all related persons held by the related person as determined under this paragraph (h)(4).

(iii)

Example. (A) *Facts.* USP, a domestic corporation, wholly owns CFC1 and owns 80% of CFC2, both foreign corporations. The aggregate trading value of USP's stock traded on established securities markets at the end of Year 1 is $700 and the amount of USP's liabilities to unrelated persons at the end of Year 1 is $400. Neither CFC1 nor CFC2 has liabilities to unrelated persons at the end of Year 1. USP owns plant and equipment valued at $500, CFC1 owns plant and equipment valued at $400, and CFC2 owns plant and equipment valued at $250. The value of these assets has been determined using generally accepted valuation techniques, as required by § 1.861–9(h)(1)(ii). There is an outstanding loan from CFC2 to CFC1 in an amount of $100. There is also an outstanding loan from USP to CFC1 in an amount of $200.

(B) *Valuation of group assets.* Pursuant to § 1.861–9T(h)(1)(i), the aggregate value of USP's assets is $1100 (the $700 trading value of USP's stock increased by $400 of USP's liabilities to unrelated persons).

(C) *Valuation of tangible assets.* Pursuant to § 1.861–9T(h)(1)(ii), the value of USP's tangible assets and pro rata share of assets held by CFC1 and CFC2 is $1100 (the plant and equipment held directly by USP, valued at $500, plus USP's 100% pro rata share of the plant and equipment held by CFC1 valued at $400 and USP's 80% pro rata share of the plant and equipment held by CFC 2 valued at $200 (80% of $250)).

(D) *Computation of intangible asset value.* Pursuant to § 1.861–9T(h)(1)(iii), the value of the intangible assets of USP, CFC1, and CFC2 is $0 (total aggregate group asset value ($1100) determined in paragraph (B) less total tangible asset value ($1100) determined in paragraph (C)). Because the intangible asset value is zero, the provisions of § 1.861–9T(h)(2) and (3) relating to the apportionment and characterization of intangible assets do not apply.

(E) *Valuing related party debt obligations.* Pursuant to § 1.861–9(h)(4)(i), the value of the debt obligation of CFC1 held by CFC2 is equal to the amount of the liability, $100. The value of the debt obligation of CFC1 held by USP is equal to the amount of the liability, $200.

(F) *Valuing the stock of CFC1 and CFC2.* Pursuant to § 1.861–9(h)(4)(ii), the value of the stock of CFC2 held by USP is $280 (USP's 80% pro rata share of tangible assets of CFC2 included in paragraph (C) ($200) plus USP's 80% pro rata share of the debt obligation of CFC1 held by CFC2 valued in paragraph (E) ($80). The value of the stock of CFC1 held by USP is $100 (USP's 100% pro rata share of tangible assets of CFC1 included in paragraph (C) ($400) less USP's 100% pro

rata share of the liabilities of CFC1 to USP and CFC2 ($300)).

* * * * *

(k) * * * Paragraphs (e)(2), (e)(3) and (h)(4) apply to taxable years beginning on or after *July 16, 2014*. See 26 CFR 1.861–9T(e)(2) and (3) (revised as of April 1, 2014) for rules applicable to taxable years beginning after January 17, 2012, and before *July 16, 2014*. See 26 CFR 1.861–9T(e)(2) and (3) (revised as of April 1, 2011) for rules applicable to taxable years beginning on or before January 17, 2012. See 26 CFR 1.861–9T(h)(4) (revised as of April 1, 2014) for rules applicable to taxable years ending on or after January 17, 2012, and beginning before *July 16, 2014*. See 26 CFR 1.861–9T(h)(4) (revised as of April 1, 2011) for rules applicable to taxable years ending before January 17, 2012.

■ **Par. 3.** Section 1.861–9T is amended by:

■ 1. Revising paragraphs (e)(2), (e)(3), and (h)(4);

■ 2. Removing the four sentences before the last sentence of paragraph (k); and

■ 3. Removing paragraph (l).

The revisions read as follows:

§ 1.861–9T Allocation and apportionment of interest expense (temporary).

* * * * *

(e)(2) through (e)(3) [Reserved]. For further guidance see § 1.861–9(e)(2) through (e)(3).

* * * * *

(h) * * *

(4) [Reserved]. For further guidance see § 1.861–9(h)(4).

* * * * *

■ **Par. 4.** In § 1.861–11, paragraphs (d)(3), (d)(4), (d)(5), and (d)(6) are revised to read as follows:

§ 1.861–11 Special rules for allocating and apportioning interest expense of an affiliated group of corporations.

* * * * *

(d)(3) through (6)(i) [Reserved]. For further guidance see § 1.861–11T(d)(3) through (6)(i).

(ii) Any foreign corporation if more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States and at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence). This paragraph (d)(6)(ii) applies to taxable years beginning on or after *July 16, 2014*. See 26 CFR 1.861–11T(d)(6)(ii) (revised as of April 1, 2014) for rules applicable to taxable years beginning after August 10, 2010, and before *July 16, 2014*. See 26 CFR 1.861–11T(d)(6)(ii) (revised as of April 1, 2010) for rules applicable to taxable years beginning on or before August 10, 2010.

* * * * *

■ **Par. 5.** Sec 1.861–11T is amended by:

■ 1. Revising paragraph (d)(6)(ii);

■ 2. Removing the last two sentences of paragraph (h); and

■ 3. Removing paragraph (i).

The revision reads as follows:

1.861–11T. Special rules for allocating and apportioning interest expense of an affiliated group of corporations (temporary).

* * * * *

(d) * * *

(6) * * *

(ii) [Reserved]. For further guidance see § 1.861–11(d)(6)(ii).

* * * * *

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: June 17, 2014.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2014–16461 Filed 7–15–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0575]

Drawbridge Operation Regulation; Old River, Between Victoria Island and Byron Tract, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Route 4 Highway Drawbridge across Old River, mile 14.8, between Victoria Island and Byron Tract, CA. The deviation is necessary to allow the bridge owner to paint mechanical components of the bridge. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective without actual notice from July 16, 2014 until 6 a.m. on July 20, 2014. For the purposes of enforcement, actual notice will be used from 10 p.m. on July 13, 2014, until July 16, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0575], is available at *http://www.regulations.gov*. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil*. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The California Department of Transportation has requested a temporary change to the operation of the Route 4 Highway Drawbridge, mile 14.8, over Old River, between Victoria Island and Byron Tract, CA. The drawbridge navigation span provides 12 feet vertical clearance above Mean High Water in the closed-to-navigation position. Pursuant 33 CFR 117.183, the draw opens on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. and at other times, opening the draw on signal if at least four hours advance notice is given to the drawtender at the Rio Vista drawbridge across the Sacramento River, mile 12.8. Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 10 p.m. to 6 a.m. from July 13, 2014 to July 20, 2014 to allow Caltrans to paint several mechanical components of the bridge. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies between 10 p.m. and 6 a.m. during the deviation period. An alternative route around Victoria Island may be used for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to

minimize any impact caused by the temporary deviation.

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

Dated: July 2, 2014.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2014–16608 Filed 7–15–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2009–0469; A–1–FRL–9910–12–Region 1]

Approval and Promulgation of Implementation Plans; Connecticut; Control of Visible Emissions, Recordkeeping and Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Connecticut on December 1, 2004. Specifically, EPA is approving revisions to Connecticut's visible and particulate matter (PM) emissions, recordkeeping and monitoring regulations. These revised rules establish and require limitations on visible and PM emissions for stationary sources, and clarify reporting requirements for operation of air-pollution-control and monitoring equipment. EPA is approving this SIP revision because EPA has determined that it will not interfere with attainment or maintenance of the national ambient air quality standards (NAAQS) in Connecticut or with any other applicable requirements of the Clean Air Act (CAA).

This action is being taken in accordance with the CAA.

DATES: This rule is effective on August 15, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2009–0469. All documents in the electronic docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square, Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at the Bureau of Air Management, Department of Energy and Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square, Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1684, fax number (617) 918–0684, email *simcox.alison@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, whenever "we," "us," or "our" is used, we mean EPA.

Table of Contents

I. Background and Purpose

Connecticut first adopted regulations to limit visible and PM emissions from stationary sources, including, among other sources, electric generating units (EGUs) and boilers, in the early 1970s. In 1972, EPA approved "Control of particulate emissions," into the Connecticut SIP (37 FR 10842). That regulation has since been recodified as Regulations of Connecticut State Agencies (RCSA) Section 22a–174–18. See Section II of EPA's Notice of Proposed Rulemaking (NPR), dated August 15, 2013 (78 FR 49701), for a brief discussion of the relationships among "visible emissions," "opacity" and "particulate matter."

In 2003, the Connecticut Department of Environmental Protection (now the Connecticut Department of Energy and Environmental Protection or CT DEEP) proposed under state law revisions to Section 22a–174–18 "Control of particulate matter and visible emissions" (herein referred to as the "visible emissions regulation") to address short-term excursions from maximum allowed opacity levels that may occur and be measured at some stationary sources with continuous opacity monitoring systems (COMS) [1] during periods of startup, shutdown or malfunction; stack testing; soot-blowing, fuel switching or sudden load changes. Facilities covered under these new exceptions in Section 22a–174–18(j)(1) include only those facilities that operate COMS. CT DEEP's revisions also excluded sources subject to opacity limits under a federal new source performance standard (NSPS) from the opacity limits contained in the state regulations. See Section 22a–174–18(j)(2).

In 2003, CT DEEP also proposed revisions to several other RCSA sections, including 22a–174–4, "Source monitoring, recordkeeping and reporting" (codified as RCSA Section 19–508–4 in the Connecticut SIP, and herein referred to as the "recordkeeping regulation"), and 22a–174–7, "Air pollution control equipment and monitoring equipment operation" (codified as RCSA Section 19–508–7 in the Connecticut SIP, and herein referred to as the "monitoring regulation").

CT DEEP held a public hearing on revisions to these three (as well as several other) regulations on April 29, 2003. Subsequently, CT DEEP amended its visible emissions, recordkeeping, and monitoring regulations based on comments received from EPA and others, with an effective date of April 1, 2004.

On December 1, 2004, CT DEEP submitted the revised regulations to EPA for inclusion in the Connecticut SIP. This submittal included a provision in the visible emissions regulation providing alternate opacity limits for periods of source operation consisting of startup, shutdown or malfunctions; stack testing; soot-blowing, fuel switching or sudden load changes. These alternate opacity limits only apply to stationary sources that use COMs (Section 22a–174–18(j)(1)). However, on July 8, 2013, CT DEEP sent

[1] CT regulations use the term "opacity continuous emissions monitoring systems" or "Opacity CEMS." However, EPA and others commonly refer to these monitors as "continuous opacity monitoring systems" or "COMS." Throughout this notice, we use the more common term "COMS."

a letter to EPA withdrawing Section 22a–174–18(j)(1) to the extent that it applies to malfunctions; all other aspects of Section 22a–174–18(j)(1) were retained as originally submitted. Thus, EPA is not acting on the submission with respect to the revised opacity limits applicable during malfunctions and is not approving an alternative emissions limit applicable during malfunctions.

Connecticut's December 1, 2004 submittal also included a provision that excluded sources subject to opacity limits under a federal NSPS from the opacity limits contained in the state regulations (Section 22a–174–18(j)(2)). However, on March 27, 2014, CT DEEP sent a letter to EPA withdrawing Section 22a–174–18(j)(2), which excluded emissions units that are subject to a visible emissions standard pursuant to a new source performance standard set forth in 40 CFR 60 from the visible emissions standards in Sections 22a–174–18(b)(1) and (b)(2). Thus, EPA is not acting on the submission with respect to Section 22a–174–18(j)(2). In correspondence between EPA and CT DEEP it was discussed that if Connecticut withdrew Section 22a–174–18(j)(2) from its SIP submission, stationary sources subject to visible emissions standards under a federal NSPS will continue to be exempt from the visible emissions standards in Sections 22a–174–18(b)(1) and (b)(2) of the state regulation, as a matter of state law, but will remain subject to the opacity limits contained in "Control of particulate emissions" under the SIP (See 37 FR 10842).[2] Moreover, it should be noted that the NSPS sources subject to visible emissions standards are not eligible for the alternate opacity limits for non-steady-state modes of source operation contained in Section 22a–174–18(j)(1) of Connecticut's regulations and being approved into the Connecticut SIP. The reason for this is that Connecticut never intended for those NSPS-subject sources to be able to demonstrate compliance with the alternate opacity limits in Section 22a–174–18(j)(1). Thus, the opacity limits contained "Control of particulate emissions," which had earlier been approved by EPA into Connecticut's SIP prior to today's SIP revision, will continue to apply to stationary sources subject to visible emissions standards under a federal NSPS.

CT DEEP's December 1, 2004 SIP submittal included a total of six regulations. EPA approved three of these regulations into the Connecticut SIP on August 31, 2006 (71 FR 51761). They are: RCSA Section 22a–174–3b "Exemptions from permitting for construction and operation of external combustion units, automotive refinishing operations, emergency engines, nonmetallic mineral processing equipment and surface coating operations;" RCSA Section 22a–174–30 "Dispensing of gasoline/Stage I and Stage II vapor recovery;" and RCSA Section 22a–174–43 "Portable fuel container spillage control." Today's action addresses the remaining three regulations contained in the December 1, 2004 SIP submittal, namely RCSA Sections 22a–174–4, 22a–174–7, and 22a–174–18 (except for the portions of Section 22a–174–18, noted earlier, which CT DEEP has withdrawn from its SIP submittal). As stated in our August 15, 2013 NPR, these three regulations amend earlier versions of certain recordkeeping, monitoring, and visible and PM emissions regulations.

On August 15, 2013 (78 FR 49701), EPA proposed approval of RCSA Sections 22a–174–4, 22a–174–7, and 22a–174–18 (without the withdrawn portion relating to malfunctions). After our August 15, 2013 NPR, CT DEEP withdrew Section 22a–174–18(j)(2) as we noted above. Specific details of Connecticut's December 1, 2004 SIP submittal and the rationale for EPA's proposed approval are explained in the August 15, 2013 NPR and will not be restated in this notice, except to the extent relevant to our responses to public comments we received on our proposal.

II. Response to Comments

EPA received comments on our August 15, 2013 NPR from the following entities: NRG Energy, Inc. and Montville Power LLC (collectively referred to herein as NRG); PSEG Services Corporation; the Conservation Law Foundation (CLF) Massachusetts; and the Sierra Club. The public comments received are contained in the docket for today's final action. We summarize and respond to all of those comments below.

NRG Energy's Comments

NRG noted that although Middletown Station #3 employs "water injection" at its facility, water injection is not used for compliance purposes, an inference that may have been drawn from the information contained in Table 1 of our August 15, 2013 NPR. EPA acknowledges NRG's factual assertion, but also notes that NRG's point does not impact in one way or the other the substance of EPA's final action today. NRG also noted a typographical error in Section IV.C.a(1) of our August 15, 2013 NPR. NRG noted that the reference in that section to "Mountville Station #4" actually should be a reference to "Middletown Station #4." EPA acknowledges that typographical error, but also notes that NRG's point does not impact in one way or the other the substance of EPA's final action today.

PSEG's Comments

PSEG's comments were supportive of our proposed action, stating that as an owner and operator of sources regulated by the SIP revisions in question the company is ideally situated to provide comments. Among other things, PSEG noted that EPA had determined that the revised visible emission regulations would not result in interference with maintenance of the PM NAAQS in Connecticut, and that certain aspects of the revised regulations would actually enhance protection of air quality through improved control of visible emissions due, in part, to the requirement to use COMS. While EPA believes that the revisions to Connecticut's Section 22a–174–18 (visible emissions regulation) may allow slight emission increases, EPA agrees with PSEG that the revisions will not interfere with attainment and maintenance of the NAAQS and is otherwise consistent with the CAA.

Sierra Club's Comments

Comment 1: The Sierra Club commented that the proposed revisions to Connecticut's SIP opacity regulations violate the anti-backsliding requirement of section 193 of the CAA because portions of Connecticut were designated nonattainment for particulate matter at the time of EPA's August 15, 2013 NPR.

Response 1: EPA disagrees with Sierra Club's assertion that the revisions to Connecticut's opacity regulations violate the anti-backsliding requirements of CAA section 193. By its own terms, CAA section 193 only applies in areas designated nonattainment for a NAAQS. Opacity limits in SIPs are intended to assure attainment and maintenance of particulate matter standards, thus, the only NAAQS relevant to our action today are the $PM_{2.5}$ and PM_{10} NAAQS. All areas in Connecticut are now designated as attainment or unclassifiable/attainment for the 1997 and 2006 $PM_{2.5}$ NAAQS and for the PM_{10} NAAQS, thus, CAA section 193 does not apply to today's final action. On July 19, 2013, EPA proposed to redesignate New Haven and Fairfield counties in Connecticut to attainment for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS (78 FR 43096). All other

[2] See Section 19–508–18, "Control of Particulate Emissions" posted at *http://www.epa.gov/region1/topics/air/sips/sips_ct.html.*

counties in Connecticut were at that time already designated as attainment or unclassifiable/attainment for the 1997 and 2006 $PM_{2.5}$ NAAQS. EPA did not receive any public comments on its July 19, 2013 proposal to redesignate New Haven and Fairfield counties, and our final approval of Connecticut's redesignation request for those counties was published on September 24, 2013, with an effective date of October 24, 2013 (78 FR 58467).[3]

In addition, as noted in EPA's July 19, 2013 proposed approval of Connecticut's redesignation request, air quality design values (DVs) for the years 2007–2009, 2008–2010, and 2009–2011 show that both New Haven and Fairfield counties are well below the 1997 annual $PM_{2.5}$ NAAQS of 15 micrograms per cubic meter ($\mu g/m^3$) and the 2006 24-hour $PM_{2.5}$ NAAQS of 35 $\mu g/m^3$. DVs for those counties also indicate that recent monitoring data from 2009–2011 are well below the 2012 annual $PM_{2.5}$ NAAQS of 12 $\mu g/m^3$.[4] Attainment of the 24-hour PM_{10} standard is based on the expected number of annual exceedances of the level of the standard (averaged over a three-year period) being equal to or less than one. EPA revoked the annual PM_{10} NAAQS in 2006. The last time there was an exceedance of the 24-hour PM_{10} NAAQS in Connecticut was in 1994.

Furthermore, modeling analyses conducted by EPA in relation to the Regulatory Impact Analysis (RIA) associated with the 2012 $PM_{2.5}$ NAAQS[5] indicates that DVs in southwestern Connecticut (where New Haven and Fairfield counties are located) are expected to continue to decline through 2020. The RIA shows that, for the 2012 $PM_{2.5}$ NAAQS, for New Haven and Fairfield counties, the highest annual DV projected for 2020 is 8.79 $\mu g/m^3$ for Fairfield County and 8.62 $\mu g/m^3$ for New Haven County. The RIA also indicates that the highest 24-hour DV projected for 2020 for New Haven and Fairfield counties is 22.27 $\mu g/m^3$ for Fairfield County and 21.78 $\mu g/m^3$ for New Haven County.

In summary, as the entire State of Connecticut is currently designated attainment or unclassifiable/attainment for the applicable PM NAAQS (see 40 CFR 81.307), section 193 of the CAA is not applicable or relevant to our analysis of the SIP revisions.

Comment 2: The Sierra Club commented that even if EPA were correct that the only applicable anti-backsliding provision is the one found in section 110(*l*) the proposed revisions must still be rejected. The Sierra Club asserted that because neither EPA nor Connecticut attempted to quantify the impact of the proposed SIP revisions on air emissions, EPA's section 110(*l*) analysis "was fatally flawed." The Sierra Club asserted that EPA failed to show that the proposed SIP revisions would meet either of two tests EPA assesses when conducting a section 110(*l*) analysis. These two tests are (1) allowing a state to show that a SIP revision will not interfere with attainment or maintenance of the NAAQS by demonstrating that the revision will not allow for an increase in emissions into the air over what is allowed under the existing EPA-approved SIP, taking into consideration SIP-approved measures that represent new emissions reductions achieved in a contemporaneous time frame to the change represented by the SIP revision; or (2) allowing a state to show that a SIP revision will not interfere with attainment or maintenance of the NAAQS by showing that, taking into consideration the change in emissions levels allowed under the SIP revision, there is a substantial margin of safety (i.e., "headroom" or "cushion of compliance") between ambient concentrations and the applicable NAAQS (in this instance the 1997 and 2006 $PM_{2.5}$ NAAQS and the 24-hour PM_{10} NAAQS). The Sierra Club also asserted that Table 4 of EPA's August 15, 2013 NPR shows that Fairfield County's maximum 24-hour PM_{10} concentration increased from 33 to 54 $\mu g/m^3$ from 2011 to 2012, which Sierra Club claims "contradicts EPA's assertion of a substantial margin of safety" and "is also not consistent with permanent and legally enforceable emissions reductions." The Sierra Club also stated that EPA's approach to the section 110(*l*) analysis was not appropriate because not all portions of Connecticut were designated attainment for the applicable PM NAAQS at the time we proposed approval of the SIP revisions.

Response 2: As stated in our response to *Comment 1* above, all portions of Connecticut are currently designated attainment or unclassifiable/attainment for the applicable $PM_{2.5}$ and PM_{10} NAAQS. Therefore, as also explained in our August 15, 2013 NPR, EPA's analysis of the proposed SIP revision under section 110(*l*) takes into account that Connecticut is designated attainment or unclassifiable/attainment for the $PM_{2.5}$ and PM_{10} NAAQS. We noted in our August 15, 2013 NPR that CT DEEP submitted a clarifying letter to its SIP submittal to demonstrate that the SIP provisions we are approving today are consistent with CAA section 110(*l*). In order to better assess the State's demonstration, EPA determined it would be helpful to conduct its own section 110(*l*) analysis which drew upon, but is not identical to, the analysis presented in the CT DEEP's letter (78 FR 49704).

EPA requires an evaluation whether changes to SIP-approved opacity limits are likely to interfere with attainment or maintenance of the PM NAAQS pursuant to section 110(*l*). Generally, to satisfy section 110(*l*), EPA does not require a full attainment demonstration showing that the change will not interfere with attainment or maintenance of the NAAQS. For nonattainment areas, in the absence of air quality modeling, EPA requires that the revision at least maintain status quo air quality, by offsetting any emissions increases with additional contemporaneous emissions reductions. For attainment areas, EPA requires a basis for concluding that any emissions increases will not interfere with attainment or maintenance of the NAAQS, e.g., by illustrating that any change in the emission inventory is so small relative to the margin between ambient concentrations and the NAAQS that it is unlikely that the change would interfere with maintenance of the NAAQS. In the case of changes to opacity limits, EPA applies these requirements taking into consideration that limits on opacity are a means of assuring control of PM emissions.[6]

For these SIP revisions, EPA has assessed the likelihood of interference with the $PM_{2.5}$ and PM_{10} NAAQS in Connecticut by attempting to quantify the total emissions associated with the sources that would be covered by the changes to opacity requirements. EPA's approach assumes that relaxing the opacity requirements will result in an increase in PM emissions (we refer to this as the "worst case scenario"). The 110(*l*) analysis looks to the additional

[3] EPA recognizes that this redesignation was not final at the time of the proposal. However, EPA noted in the proposal that it intended to take final action on the proposed redesignation before taking final action on Connecticut's visible emissions SIP revision.

[4] EPA has not yet designated nonattainment areas with respect to the 2012 $PM_{2.5}$ NAAQS.

[5] The RIA is included in the docket for this rulemaking.

[6] Although opacity is not a criteria pollutant and increases in opacity do not always correlate precisely with increases in mass emissions, opacity standards are established as an independent requirement for effective PM emissions control, opacity is used as an indicator of increased PM emissions (due both to changes in process and in the effectiveness of emission controls), and opacity limits supplement the implementation and enforcement of PM emission standards. See, e.g., *Utility Air Regulatory Group v, EPA,* No. 12–1166 (D.C. Cir., Mar. 11, 2014).

increment of emissions associated with the SIP revision, which would be a portion of the emissions during the time for which the opacity standard has been loosened. In turn, the operating periods when the opacity standard is loosened is a portion of the total operating time for these sources. Finally, we look at the total emissions from these sources at all operating times in relation to the total emissions inventory and current ambient concentrations. We estimate that the *total* emissions of these sources (at all times) represents about only 11 tons per year of $PM_{2.5}$, out of a total statewide inventory of 17,151 tons per year of $PM_{2.5}$ and about 17 tons per year of PM_{10} out of a total statewide inventory of 38,995 tons per year. Furthermore, as noted in EPA's proposed approval of Connecticut's section 22a–174–18 (78 FR 49701; August 15, 2013), emission projections from the maintenance plan for Connecticut's $PM_{2.5}$ redesignation request indicate that there is a substantial margin of safety that ensures maintenance of the NAAQS even if small increases in emissions were to occur. As illustrated in Table 5 of that notice, $PM_{2.5}$ emissions in Fairfield and New Haven counties are projected to drop by 22% from 2007—when the area was attaining the NAAQS—to 2025, including over 1,000 tons per year of reductions in the period from 2007 to 2017 (and over 300 tons per year of reductions from 2017–2025). Thus, in EPA's technical judgment, although we assume that these SIP changes will result in some emissions increases, in light of the size of these sources and the nature of the changes, such increases would be quite small in comparison with the large margin of compliance with the NAAQS and the ongoing projected reductions in the emissions inventory.

Taking into consideration the small amount of total $PM_{2.5}$ and PM_{10} emissions from these sources relative to the statewide inventories, the nature of the revisions (including the more stringent PM limits for certain sources), and the large "margin of compliance" between ambient concentrations and the $PM_{2.5}$ and PM_{10} NAAQS in Connecticut, EPA concludes that these changes will not interfere with attainment and maintenance of the $PM_{2.5}$ and PM_{10} NAAQS in Connecticut.

Our August 15, 2013 NPR (beginning at 78 FR 49705) contains an analysis of the section 110(*l*) demonstration and data supporting CT DEEP's and EPA's conclusion that the requirements of section 110(*l*) have been met. A summary of that analysis is provided here, with additional information quantifying the potential emissions increases that might be associated with the SIP revisions, added in response to the Sierra Club's comment.

First, in our August 15, 2013 NPR, we considered and evaluated (although we stated that we did not precisely quantify) potential emissions increases that could result from the SIP revisions (78 FR 49705–49707). As noted, we considered emissions increases that potentially might occur as a result of the relaxation of the SIP's opacity limits during periods of source operation limited to startup or shutdown; stack testing; soot-blowing, fuel switching or sudden load changes. We noted that, of the 20 units (all of which utilized COMS) for which the state originally designed the alternative opacity limit in Section 22a–174–18(j)(1), eight of those units are now permanently removed from service and three additional units have since switched their primary fuel from residual oil to natural gas (resulting in significant reductions of emissions of PM and PM precursors during operation). Thus, our August 15, 2013 NPR noted that for purposes of examining potential emission increases that may arise from the alternative opacity limit in Section 22a–174–18(j)(1), our focus would be limited to the potential impacts of increased opacity at the remaining nine of the original 20 units. We also noted in our August 15, 2013 NPR that the requirements of section 110(*l*) were satisfied with respect to Connecticut's Section 22a–174–18(j)(2) affecting stationary sources separately subject to a federal NSPS; however, as noted earlier in this notice, CT DEEP has since withdrawn Section 22a–174–18(j)(2) from its SIP submission and, thus, we do not include in this notice a section 110(*l*) analysis of the effect of that provision. In addition, another aspect of our air quality impact analysis considered and evaluated the reductions in PM emissions that would arise due to other aspects of the SIP revisions, i.e., the fact that more stringent PM limits will apply *at all times* to sources that burn natural gas and to "registration sources" that burn distillate oil.

We concluded in our August 15, 2013 NPR that "taking into consideration the universe of sources subject to the revised opacity standard, the fuels and emissions limits applicable to those sources (including those that are more stringent under the revision), and the nature of the alternative opacity limit (which only allows an increase from 40% to 60% opacity during certain limited modes of source operation during a maximum period of time just under 11 hours per calendar quarter), that while there may be an increase in PM emissions associated with this SIP revision, any such increase would be small, especially in relation to the applicable attainment margin. It is also critical to note that Connecticut's revised rule includes an important check on any potential increase in emissions that could occur, even under the alternative opacity limit. The revised regulation restricts the amount of time that sources with COMS may operate under the alternate opacity limit to 0.5 percent of a facility's total operating hours during any calendar quarter, or slightly less than 11 hours. EPA believes that these changes to the opacity limit may result in increased PM emissions, and considered whether those increased emissions would interfere with maintenance of the $PM_{2.5}$ and PM_{10} NAAQS in Connecticut in light of the nature and scope of those changes and current air quality (i.e., margin of compliance with all existing PM NAAQS). At the same time, however, EPA believes that the limited nature of the alternate opacity limit (including that opacity may only increase to 60%, as well as the limits on periods of operation during which the alternate limit applies) means that the opacity standard will continue to assist with SIP implementation of the NAAQS by continuing to identify (as violations) changes in process and in the effectiveness of emission controls that result in more significant increases in PM emissions.

We believe that our discussion in the August 15, 2013 NPR is sufficient to address any concerns under section 110(*l*); however, in response to the Sierra Club's statement that we failed to quantify those potential emissions increases, we provide more detailed information. With respect to the alternate opacity limit available during specific non-steady-state modes of operation, the total amount of PM emissions from the nine units that we earlier identified as being relevant to the emissions increase analysis (a subset of the units identified in our Table 1 to our August 15, 2013 NPR) is small. More specifically, the *total* $PM_{2.5}$ emissions from these nine units is approximately 11 tons per year (as reported in the 2011 National Emissions Inventory (NEI) [7]), as compared to statewide emissions of $PM_{2.5}$ from all sources of 17,151 tons per year. The total PM_{10} emissions from these nine units (which includes $PM_{2.5}$ emissions) is about 17 tons per year (estimated from the 2011 NEI), compared to statewide emissions of

[7] See *www.epa.gov/ttn/chief/net/2011inventory.html.*

PM_{10} from all sources of 38,995 tons per year. Moreover, because the worst case scenario analysis (consistent with the roughly 11 hours of operation per quarter limitation contained in the regulation for the applicability of the alternate opacity limit) only includes a small fraction of these sources' total annual hours of operation, the total increase in emissions from these nine units under the worst-case scenario would most likely be only a fraction of the approximately 11 tons per year of $PM_{2.5}$ and the 17 tons per year of PM_{10}, an even smaller amount of emissions compared to the annual statewide emissions noted above. In light of the wide margin of compliance with all of the PM NAAQS, any potential increase in $PM_{2.5}$ or PM_{10} emissions from the nine units in question during the worst-case scenario under the alternate opacity emissions limits in the SIP revision should not interfere with the maintenance of the applicable PM NAAQS in Connecticut.

Our August 15, 2013 NPR also contained a separate CAA section 110(*l*) analysis in relation to Section 22a–174–18(j)(2) of Connecticut's regulation. However, as noted earlier in this notice, CT DEEP has since withdrawn Section 22a–174–18(j)(2) and, thus, we do not include here a section 110(*l*) analysis of that regulatory provision.

In addition to the analysis above of specific potential emissions increases associated with the SIP revisions, as noted in our August 15, 2013 NPR, we also considered recent data from emissions inventories and ambient air-quality monitoring to show that Connecticut's statewide emissions have declined substantially in recent years, and that the state's current air quality is well below the federal primary and secondary $PM_{2.5}$ and PM_{10} NAAQS. As part of that discussion, we described certain regulations that EPA has approved into the Connecticut SIP that have resulted in permanent, federally enforceable emissions reductions. Our purpose in discussing the effect of these regulations was to lend additional support to our section 110(*l*) analysis by demonstrating that current statewide emissions inventories and air quality in Connecticut show that these other pollution-control measures have resulted in an adequate "compliance cushion" below the $PM_{2.5}$ and PM_{10} NAAQS that can easily accommodate any potential emissions increases of $PM_{2.5}$ and PM_{10} that might arise as a result of the SIP revisions. Our analysis demonstrated that the current, relatively low, emissions levels in Connecticut are not solely attributable to non-regulatory factors (e.g., economic changes) but, rather, are, in significant part, attributable to the permanent, enforceable reductions achieved by Connecticut's SIP and other federal CAA programs. The combination of three facts—that Connecticut's $PM_{2.5}$ and PM_{10} emissions (and emissions of precursor pollutants) have been reduced, that these reductions are largely permanent reductions attributable to federally enforceable CAA measures (including SIP requirements), and that the measured ambient $PM_{2.5}$ and PM_{10} concentrations are well below the NAAQS—persuade us that the weight of evidence shows that Connecticut's SIP has a sufficient margin of safety with respect to the PM NAAQS throughout the state. We conclude based on this analysis that even if overall emissions were to increase somewhat as a result of this revision, any such increase would not interfere with attainment or maintenance of the $PM_{2.5}$ and PM_{10} NAAQS in Connecticut. For a more detailed discussion of these measures and air quality in Connecticut, see 78 FR 49707–49710.

As to the Sierra Club's comment that Table 4 of our August 15, 2013 NPR shows that Fairfield County's maximum 24-hour PM_{10} concentration increased from 33 to 54 $\mu g/m^3$ from 2011 to 2012, there are several important things to note. First, and most important, the referenced increase in PM_{10} is, in EPA's judgment, more likely related to emissions associated with roadways or construction activities than to any increases in stationary point-source emissions. Emissions of $PM_{2.5}$ tend to be more prevalent than emissions of PM_{10} from stationary sources in Connecticut and, as mentioned above, $PM_{2.5}$ DVs decreased during this same time period. For example, 2011 NEI data for Fairfield County show that approximately 76% of the PM_{10} emissions inventory derives from the following categories of sources: (1) Dust associated with paved and unpaved roads; (2) construction activities; and (3) burning of residential wood heaters and stoves. Moreover, the PM_{10} increase referenced by the Sierra Club is, in any event, well below the level of the 24-hour PM_{10} NAAQS, which is 150 $\mu g/m^3$; this lends further support for EPA's contention that there is an adequate "cushion of compliance" for the PM_{10} NAAQS.[8]

The SIP revisions we are approving in this action, which apply to emissions from stationary sources, are unlikely to add substantially to ambient PM_{10} levels in Fairfield County because, as explained in detail above, the total amount of increased $PM_{2.5}$ and PM_{10} emissions that might be expected to arise from the sources subject to Section 22a–174–18(j)(1) is very small, particularly in comparison to the 17,151 and 38,995 tons per year of $PM_{2.5}$ and PM_{10} emissions, respectively, from all sources in Connecticut.

As noted in our August 15, 2013 NPR, our CAA section 110(*l*) analysis also included a discussion of CAA section 110(a)(2)(A)'s requirement that SIPs contain "enforceable emission limitations and other control measures, means, or techniques . . . as may be necessary or appropriate to meet the applicable requirements of [the CAA]." We included in that same section of our NPR a related discussion of CAA section 302(k)'s definition of the term "emission limitation" as "a requirement that limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis." We discussed EPA's position, set forth in well-established guidance, that the CAA precludes SIP provisions that include exemptions for emissions that occur during periods of source operation such as startup, shutdown, or malfunction. In the context of EPA's guidance, we then analyzed the alternative opacity limits in Section 22a–174–18(j)(1). (We also analyzed separately the NSPS-subject source exclusion in Section 22a–174–18(j)(2) of Connecticut's regulations, which raises different issues than the alternate opacity limits provision in Section 22a–174–18(j)(1), but CT DEEP subsequently withdrew that provision from its SIP submission.) Given that the Sierra Club commented on whether the SIP revisions are consistent with EPA's startup, shutdown and malfunction (SSM) guidance and related proposed SIP Call[9] separately from its comments on Connecticut's and EPA's section 110(*l*) demonstrations, EPA addresses the former specific set of comments in Responses #3 and #4, below.

Comment 3: The Sierra Club commented extensively on our application of EPA's criteria relevant to development of alternative emission limits in SIPs, as those criteria relate to the alternative opacity limits submitted by Connecticut as SIP revisions in Section 22a–174–18(j)(1). Specifically, Sierra Club asserted that our evaluation

[8] We also note here that we discussed in our August 15, 2013 NPR a Regional Haze program analysis that was a fourth component of our section110(*l*) analysis. Sierra Club did not comment on that aspect of our analysis, therefore our analysis will not be repeated here.

[9] See, "State Implementation Plans; Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction; Proposed Rule," 78 FR 12459 (Feb. 22, 2013).

of these alternative emissions limits was flawed in light of our 1999 SSM Policy guidance for SIP provisions and our February 2013 proposed SIP Call.

Response 3: EPA disagrees with the Sierra Club's assertion that our evaluation of Connecticut's SIP revisions is flawed in light of EPA's 1999 SSM Policy guidance and proposed SIP Call. We have longstanding SIP guidance recommending criteria for development of alternative emission limits in SIP provisions, including opacity limits (or other control measures) that may be appropriate during specific modes of source operation such as startup and shutdown.[10] If sources cannot meet the otherwise applicable SIP emissions limit during certain modes of operation, these criteria serve to assure that the alternative emission limits that states may elect to adopt for these periods of operation meet CAA requirements for SIP provisions. We recently reiterated those criteria in our February 2013 proposed SIP Call. The basic thrust of those criteria is to ensure that emission limitations apply continuously, including during certain modes of source operation (i.e., startup, shutdown, and malfunction), in such a manner that emissions are properly minimized in order to ensure attainment and maintenance of the NAAQS and to meet other CAA requirements (e.g., enforceability). EPA analyzed the higher opacity limits established by CT DEEP for certain sources in Section 22a–174–18(j)(1) in relation to the seven criteria for alternative emissions limits recommended in our SSM guidance for SIP provisions and reiterated in our proposed SIP Call. That analysis was set forth in our August 15, 2013 NPR. We address below the Sierra Club's specific comments regarding EPA's evaluation of Connecticut's SIP revision in relation to EPA's SSM Policy guidance and proposed SIP Call. Please refer to our August 15, 2013 NPR for EPA's original analysis and additional detailed information (beginning at 78 FR 49710).

EPA's Criterion #1

The Sierra Club's comment: The Sierra Club states that EPA did not fully address criterion #1 because Connecticut's revision to its visible emissions regulation must be "limited to specific, narrowly defined source categories using specific control strategies" and asserted that Connecticut's SIP revision is not so limited.

EPA's response: As identified and discussed in our August 15, 2013 NPR, the sources to which the alternate opacity emission limit will apply are mostly electric generating units (EGUs); and all of the sources are boilers with a heat input capacity greater than 250 MMBtu/hr. We also noted in our August 15, 2013 NPR that most of these units use some combination of electrostatic precipitators, selective non-catalytic reduction, and/or low NO_X burners. (Two of the affected units (Middletown Station #4 and Montville Station #6) do not have control measures comparable to the other sources, but they are subject to numerical PM emission limitations in the Connecticut SIP and in their permits.) Finally, as noted earlier in this notice, the universe of existing units in Connecticut from which potential increases in emissions may arise (realistically) is limited to nine. Since Connecticut adopted the revised regulation in question, eight of the 20 units potentially covered have been permanently removed from service, and three of the units have changed their primary fuel from residual oil to natural gas (resulting in a significant reduction in emissions of $PM_{2.5}$ and $PM_{2.5}$ precursors during source operation). In our judgment, based on the facts described above, these remaining nine boilers (i.e., those that will be subject to Connecticut's alternate opacity emission limit) sufficiently meet what EPA's guidance and related rulemaking intended to fall within the notion of "specific, narrowly defined source categories." Finally, it is also important to note that any new stationary sources in the future (beyond the existing nine units) would separately be regulated by any opacity limits contained in a new source review permit required under Connecticut's SIP. The CT DEEP has informed us that its new source review permits require best available control technology (BACT) for opacity and for PM. Emission limits based on BACT cannot be less stringent than NSPS under the CAA and CT DEEP's current practice is to include a 10% opacity limit in its new source review permits applicable during all periods of operation (including startup and shutdown). Any such future new sources also would be subject to any opacity limits that might be applicable under newly promulgated NSPS regulations (not the NSPS discussed herein) that would contain opacity limits during startup, shutdown, and other specific modes of source operation.

EPA's Criterion #2

The Sierra Club's comment: The Sierra Club asserts that EPA's conclusion that Connecticut's SIP revision satisfies criterion #2 is flawed, because "nothing prevents a source from starting up or shutting down with a cleaner fuel or employing other measures during periods of startup and shutdown that would reduce particulate emissions from the boiler" and because "[n]o determination has been made that more stringent control is 'technically infeasible' during specified periods for any sources in Connecticut."

EPA's response: First, EPA notes that the Sierra Club has not addressed in its comment exactly how it concluded that it *would* be feasible for the specific boilers in question to use "a cleaner fuel or employ[ ] other measures during periods of startup and shutdown" that would reduce PM emissions. Sierra Club, although critical of EPA's evaluation of this criterion in the proposal, did not provide specific facts concerning what other measures the state could or should have required of these sources.

Second, EPA is evaluating this criterion based upon factual information developed by the state to support the higher alternative emission limits applicable to the affected sources. Our August 15, 2013 NPR explains the difficulties that some sources may have in meeting the otherwise applicable opacity emissions limits during non-steady-state modes of source operation, such as startup and shutdown. Included in EPA's explanations of such technical challenges was a reference to a CT DEEP workgroup provided to EPA by letter dated January 14, 2013 (included in the docket for this action). As noted in our August 15, 2013 NPR, the CT DEEP workgroup considered technical issues that make it difficult for some facilities to consistently meet, during periods of operation such as startup and shutdown, opacity limits that apply during normal steady-state operating conditions. The CT DEEP workgroup based its recommendations for an alternate emissions limit on the technology, normal operating procedures, and type of fuels used, as well as a review of historical opacity data for the sources in question (see Table 1 of EPA's August 15, 2013 NPR). The units considered for an alternative opacity limit were older and less efficient than new units that would be installed today. The workgroup took into account the fact that older

[10] See Memorandum entitled "State Implementation Plans (SIPs): Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown," from Steven A, Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation, to the Regional Administrators, Regions I–X on September 20, 1999.

combustion units may take longer than modern units to reach optimum temperatures for efficient operation of control systems, such as Selective Non-catalytic Reduction (SNCR) systems for reducing NO_X (a precursor of $PM_{2.5}$), or may have higher emissions than modern units during cold startups. They also assessed whether the older units experienced more short-term load swings than would be expected from modern units. These swings make it more difficult to optimize unit operation and to continuously stay within the 20 percent and 40 percent averages that apply during normal, steady-state operations. These can be appropriate considerations relevant to development of alternative emission limits, so long as other CAA requirements are met. For further details of EPA's explanation, see our August 15, 2013 NPR. (78 FR 49710–49711).

EPA's Criterion #3

The Sierra Club's comment: The Sierra Club states that EPA did not fully address criterion #3 because "the proposed SIP revision does not limit the frequency or duration of operation in startup, shutdown or other modes to the maximum extent practicable" in that the alternative opacity limit applies equally to all units regardless of age or specific unit characteristics.

EPA's response: EPA disagrees with the Sierra Club's assertion that criterion #3 has not been met. As discussed in our August 15, 2013 NPR, the frequency and duration of periods of startup, shutdown or malfunction; stack testing; soot-blowing, fuel switching or sudden load changes for the units in question (see Table 1 in our August 15, 2013 NPR) were taken into account by CT DEEP's workgroup and were a part of the analysis that resulted in the alternate opacity limit. In any event, however, the most important limitation in the SIP revision on the frequency and duration of opacity levels that may exceed those allowed during normal, steady-state operations is the regulation's strict limit on the amount of time per calendar quarter (less than 11 hours) that a facility may operate under an alternative opacity limit (i.e., 60% opacity during any 6-minute block average). We believe that this limitation will help to ensure that the emissions units in question will be required to limit the frequency and duration of the relevant modes of operation and to restrict their emissions to an appropriate level consistent with criterion #3. Additionally, because fuel is a significant operational cost at EGUs it is also generally the case that EGUs have an economic incentive to optimize their fuel-to-air ratio consistent with best engineering practices so as to combust their fuel source most efficiently.

Finally, the Connecticut SIP's revised recordkeeping and monitoring requirements serve as an additional, supplemental compliance tool that will help to ensure that the units emit at the alternative opacity limit only during the allowed modes of operation and within the allowed periods of time. As we stated in our August 15, 2013 NPR, the revisions to Connecticut's recordkeeping and monitoring requirements clarify and improve enforceability of SIP requirements. For example, revised 22a–174–4 includes specific data availability requirements and revised 22a–174–7 includes explicit, specific time frames for various notifications (such as "no later than two business days"), as compared to prior requirements to notify the state "promptly."

EPA Criterion #4

The Sierra Club's comment: Regarding criterion #4, the Sierra Club asserts that "[c]riterion (4) requires that "[a]s part of its justification of the SIP revision, the state would analyze the potential worst-case emissions that could occur during startup and shutdown." The Sierra Club asserts that EPA's August 15, 2013 NPR acknowledged that neither the state nor EPA attempted to quantify the exact increase in PM emissions that could be allowed under this SIP revision. Sierra Club also objected to EPA's rational for approval of the revision that, if elevated emissions levels were to cause future violations of the PM NAAQS, EPA has additional authority under the CAA to address such potential problems.

EPA's response: EPA disagrees with the Sierra Club's comments on this point. Our August 15, 2013 NPR included an analysis under criterion #4 of the worst-case-emissions scenario. As we noted in our August 15, 2013 NPR, that worst-case scenario would occur (albeit extremely unlikely) if all nine currently operating units (i.e., those that we earlier noted were relevant to the analysis of potential emissions increases and that are subject to the alternative opacity limit), simultaneously were to: (1) Engage in startup, shutdown, or any of the other listed modes of operation for which the alternative opacity limit is allowed; (2) for exactly the same nearly 11-hour period; and (3) at the uppermost allowed level of 60% opacity. The most important limitation on any additional emissions resulting from this SIP revision, even under this unlikely worst-case scenario, is the strict limit set by CT DEEP on the amount of time per calendar quarter (less than 11 hours) that a facility may lawfully operate up to the 60% alternative opacity limit.

Furthermore, in response to the Sierra Club's assertion that EPA and Connecticut failed to attempt to quantify any potential worst-case scenario increase in emissions, we do so here. The *total* amount of annual $PM_{2.5}$ emissions (11 tons per year, as reported in the 2011 NEI) from the nine units collectively (which we earlier noted were part of our analysis of potential increased emissions that may arise from the alternate opacity limit) is an extremely small percentage of the total $PM_{2.5}$ emissions statewide, both in comparison to stationary point-source emissions (436 tons per year) and to $PM_{2.5}$ emissions from all sources (17,151 tons per year). The total amount of annual PM_{10} emissions from the nine units collectively (17 tons, as reported in the 2011 NEI) is an extremely small percentage of the total PM_{10} emissions statewide, both in comparison to stationary point-source emissions (494 tpy) and to PM_{10} emissions from all sources (38,995 tpy). Consequently, any potential annual increase in $PM_{2.5}$ and PM_{10} emissions from these nine units during the highly unlikely worst-case scenario would most likely be only a portion of *that* small percentage, because the relevant analysis concerns an assessment of maximum potential increases in emissions from these sources during a maximum of just under 11 hours per calendar quarter when there is a potential increase from 40% opacity to 60% opacity. While it is difficult to quantify the precise amount of additional $PM_{2.5}$ and PM_{10} emissions that could occur during such periods of elevated opacity, we think that the additional $PM_{2.5}$ and PM_{10} is likely to be relatively small in light of the fact that the total $PM_{2.5}$ and PM_{10} emissions from the affected sources are currently such a small amount relative to other sources. As explained in detail earlier in this notice, our section 110(*l*) analysis shows that any potential increases will easily be accommodated by the wide "compliance cushion" in Connecticut between the $PM_{2.5}$, and PM_{10} NAAQS and air quality concentrations of $PM_{2.5}$, and PM_{10}.

Finally, our August 15, 2013 NPR statement about the availability of additional CAA authorities that EPA could use to address any future problems in relation to the PM NAAQS was not intended to indicate that we anticipate there will be such a problem and, as we have explained in this notice, we have no reason to expect that such a problem will arise. We only intended to point out that the CAA

provides remedies to address any unexpected problems that could arise as a result of this SIP revision, even though we anticipate that such problems are highly theoretical in this instance. We emphasize, however, that our section 110(*l*) analysis strongly demonstrates that any such problems are not expected to arise as a result of this SIP revision.

EPA Criterion #5

Sierra Club's comment: For criterion #5, the Sierra Club claims that the proposed SIP revision includes nothing that will minimize emissions impacts on ambient air quality during periods of startup and shutdown. The Sierra Club also asserts that, although EPA identified reporting requirements contained in Connecticut's SIP, prompt reporting does not minimize air-quality impacts and does not rise to the level of taking "all possible steps" to minimize the impact of the emissions.

EPA's response: EPA disagrees with the Sierra Club's comments about criterion #5 for the following reasons. As we explained in our August 15, 2013 NPR, RCSA Section 22a–174–4, which is being approved as part of EPA's action today, requires submission of all COMS data on a quarterly basis, along with a quarterly quality-assurance audit, and the submitted data would be required to include data during periods of startup, shutdown or malfunction; stack testing; soot-blowing, fuel switching or sudden load changes. The sources are not exempt from the opacity standards during such periods and all emissions that occur during such periods will be counted in the context of the SIP, such as for emissions inventories, modeling demonstrations, and other regulatory purposes. Alternative emissions limits for non-steady-state modes of operation are not equivalent to exemptions. We also emphasize that this regulation requires a facility to submit a corrective action plan for a failed audit. We believe that prompt reporting and the requirement to submit a corrective action plan (if demonstrated to be necessary by an audit) helps to minimize air-quality impacts by alerting the CT DEEP to possible operational issues so that the CT DEEP may then work with the facility to implement corrective actions.

In addition, we note that the quarterly reporting requirement is aligned with the regulation's quarterly maximum limit on use of the alternative opacity limit (slightly less than 11 hours). Moreover, the exception in Section 22a–174–18(j)(1) itself is designed on its face to minimize emissions during startup and shutdown; stack testing; soot-blowing, fuel switching or sudden load changes. That is, the source operator must limit the time period during which the alternative opacity limit applies to less than 11 hours per calendar quarter, and must limit opacity levels during such periods to no more than 60% opacity during any 6-minute block average.

EPA Criterion #6

The Sierra Club's comment: The Sierra Club's comments on criterion #6 are related to those for criterion #5. Specifically, the Sierra Club claims that EPA does not point to anything that requires continuous minimization of emissions.

EPA's response: We incorporate by reference here the entirety of our responses (above) to the Sierra Club's comments on EPA criterion #5 due to the similarity of the Sierra Club's comments on criteria #5 and #6.

EPA Criterion #7

The Sierra Club did not submit an adverse comment on criterion #7, noting that the criterion "is met by Connecticut's proposed opacity SIP revisions." Accordingly, no response from EPA is necessary or provided here.

Comment 4: The Sierra Club claims that EPA's evaluation of the "exemption" in Connecticut's revised Section 22a–174–18 (visible emissions regulation) for sources subject to federal NSPS set forth in 40 CFR 60 is flawed and that the "exemption" is unlawful. The Sierra Club argued that EPA's approval of a SIP revision that eliminates the currently applicable opacity standard from certain categories of sources has the "practical and legal effect" of exempting those sources for emissions during periods of startup, shutdown, and malfunction.

Response 4: As noted earlier, by letter dated March 27, 2014, CT DEEP withdrew from its SIP submission Section 22a–174–18(j)(2). Thus, without conceding Sierra Club's arguments about the legality of Section 22a–174–18(j)(2), EPA provides no response to those arguments because the SIP is not being revised to include that regulatory provision.

Conservation Law Foundation (CLF)

Comment: CLF asserts that the provision in Connecticut's SIP revision that allows deviations from otherwise applicable visible emissions limits during periods of startup, shutdown, and other discrete periods of routine operations, like those set forth in RCSA Section 22a–174–18(j)(1), is illegal. CLF further commented that if EPA determines that this provision does not violate the CAA and approves it, such approval should clearly state that (1) the SIP revision is effective prospectively, beginning on the date that EPA officially approves it; and (2) for that reason, approval of the exemption for periods of startup, shutdown, and other listed modes of operation into the federally-enforceable SIP has no retroactive effect on past violations. CLF's September 16, 2013 comment letter included, as an attachment, other comments that CLF submitted to the CT DEEP on February 14, 2012 regarding Bridgeport Harbor Station's CAA Title V operating permit renewal (2012) which, in relevant part, addresses Connecticut's visible emissions rule and RCSA Section 22a–174–18(j)(1), which CLF asserts is illegal under the CAA. Also attached to CLF's September 16, 2013 letter were comments submitted by CLF to EPA regarding EPA's proposed SIP Call.

Response: EPA disagrees with CLF's assertion that the alternative emission limits for opacity during modes of operation such as startup, shutdown, and others contained in RCSA Section 22a–174–18(j)(1), which differ from opacity limits that apply during normal steady-state operating conditions, are illegal under the CAA. In fact, as discussed in our August 15, 2013 NPR, EPA has longstanding SIP guidance that recommends criteria relevant to development of such alternative opacity limits or other control measures that may apply during specific modes of source operation such as startup and shutdown, if properly supported and established.[11] EPA has also recently reiterated these criteria in a proposed rulemaking relevant to its interpretation of CAA requirements applicable to SIP provisions.[12] These criteria are intended to ensure that opacity limits or other control measures or techniques in SIPs that apply during specific modes of source operation, such as startup or shutdown, are designed to minimize emissions in order to provide for attainment and maintenance of the NAAQS and meet other CAA requirements (e.g., enforceability). As discussed above, we believe that these

[11] See Memorandum entitled "State Implementation Plans (SIPs): Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown," from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation, to the Regional Administrators, Regions I–X on September 20, 1999.

[12] See, "State Implementation Plans; Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction; Proposed Rule," 78 FR 12459 (Feb. 22, 2013).

criteria have been met with respect to the revisions at issue in today's action.

In response to CLF's comments about the effective date of our approval of Connecticut's SIP revision and the relationship of these specific revisions to factual circumstances that pre-date the effective date of the SIP revisions, the SIP revisions we are approving today are effective on August 15, 2014. EPA's approval of these SIP revisions does not change the legal requirements that applied under the SIP, prior to this action.

III. Final Action

EPA is approving and incorporating into the Connecticut SIP three regulations submitted by the State of Connecticut on December 1, 2004. Specifically, EPA is approving revised RCSA Section 22a–174–18 "Control of particulate matter and visible emissions," except for the phrase "or malfunction" in Section 22a–174–18(j)(1) and all of Section 22a–174–18(j)(2), which CT DEEP has withdrawn from its SIP submission. EPA is also approving revised RCSA Section 22a–174–4 "Source monitoring, recordkeeping and reporting," and revised RCSA Section 22a–174–7 "Air pollution control equipment and monitoring equipment operation." These latter two regulations strengthen monitoring, recordkeeping, and reporting requirements, which improve the state's ability to detect violations of emissions limits. As noted earlier, because Connecticut withdrew Section 22a–174–18(j)(2) from its SIP submission, stationary sources subject to a federal NSPS will remain subject to the opacity limits contained in "Control of particulate emissions" under the SIP (See 37 FR 10842).

Revised Section 22a–174–18 establishes and requires limitations on visible and PM emissions from certain stationary sources, identifies a standardized method for determining compliance for sources without COMS, and establishes an alternative opacity limit of up to 60 percent opacity (during any 6-minute block average) during certain non-steady-state modes of operation for sources with COMS. In addition, the revised regulation sets a strict limit on the amount of time (0.5 percent of a facility's total operating hours during any calendar quarter) that sources with COMS can operate under the alternative opacity limit. As described earlier in this notice, we believe that the revision of Section 22a–174–18 will not interfere with attainment or maintenance of any NAAQS or other applicable CAA requirements, and thus is approvable with respect to section 110(*l*) of the CAA.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 15, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: April 8, 2014.

H. Curtis Spalding,

Regional Administrator, EPA New England.

Editorial Note: This document was received for publication by the Office of the Federal Register on July 9, 2014.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52— APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart H—Connecticut

■ 2. Section 52.370 is amended by adding paragraph (c)(104) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(104) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on December 1, 2004.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated December 1, 2004 submitting a revision to the Connecticut State Implementation Plan.

(B) Regulations of Connecticut State Agencies, Section 22a–174, Abatement of Air Pollution Regulations, amended April 1, 2004:

(*1*) Section 22a–174–4 "Source monitoring, recordkeeping and reporting."

(*2*) Section 22a–174–7 "Air pollution control equipment and monitoring equipment operation."

(*3*) Section 22a–174–18 "Control of particulate matter and visible emissions," with the exception of the phrase "or malfunction" in Section 22a–174–18(j)(1) and all of Section 22a–174–18(j)(2), which CT DEEP withdrew from the SIP submittal.

(ii) Additional materials.

(A) Letter from CT DEEP dated January 14, 2013, entitled "Information to Support EPA's Approval of Connecticut's Requirements for Opacity."

(B) Letter from CT DEEP dated July 8, 2013, withdrawing from CT DEEP's December 1, 2004 SIP revision the phrase "and malfunction" from Subsection (j)(1) of RCSA Section 22a–174–18.

(C) Letter from CT DEEP dated March 27, 2014, withdrawing from CT DEEP's December 1, 2004 SIP revision Section 22a–174–18(j)(2).

■ 3. In § 52.385, Table 52.385 is amended by adding new entries to existing state citations for 22a–174–4, 22a–174–7, and 22a–174–18 to read as follows:

§ 52.385 EPA-approved Connecticut regulations.

* * * * *

TABLE 52.385—EPA-APPROVED REGULATIONS

Connecticut state citation	Title/subject	Dates		Federal Register citation	Section 52.370	Comments/ description
		Date adopted by State	Date approved by EPA			
*	* *		*	*	*	*
22a–174–4	Source monitoring, recordkeeping and reporting.	4/1/04	7/16/14	[Insert **Federal Register** Citation].	(c)(104)	
*	* *		*	*	*	*
22a–174–7	Air pollution control equipment and monitoring equipment operation.	4/1/04	7/16/14	[Insert **Federal Register** Citation].	(c)(104)	
*	* *		*	*	*	*
22a–174–18 ..	Control of particulate matter and visible emissions.	4/1/04	7/16/14	[Insert **Federal Register** Citation].	(c)(104)	All of Section 22a–174–18 is approved, with the exception of the phrase "or malfunction" in Section 22a–174–18(j)(1) and all of Section 22a–174–18(j)(2), which CT DEEP withdrew from the SIP submittal. Because Connecticut withdrew Section 22a–174–18(j)(2) from its SIP submission, stationary sources subject to a federal NSPS will remain subject to the opacity limits contained in "Control of particulate emissions" under the SIP (See 37 FR 10842). See Section 19–508–18, "Control of Particulate Emissions" posted at *http://www.epa.gov/region1/topics/air/sips/sips_ct.html.*
*	* *		*	*	*	*

[FR Doc. 2014–16469 Filed 7–15–14; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0072; FRL–9913–62–OAR]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Section 110(9)(2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving two State Implementation Plan (SIP) revisions submitted by the State of Maryland pursuant to the Clean Air Act (CAA). Whenever new or revised National Ambient Air Quality Standards (NAAQS) are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements, including, but not limited to regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. The State of Maryland has made submittals addressing the infrastructure requirements for the 2008 lead (Pb) NAAQS.

DATES: This final rule is effective on August 15, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2013–0072. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Ruth Knapp, (215) 814–2191, or by email at *knapp.ruth@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 15, 2008, EPA substantially strengthened the primary and secondary lead NAAQS (hereafter the 2008 Pb NAAQS), revising the level of the primary (health-based) standard from 1.5 micrograms per cubic meter (ug/m^3) to 0.15 ug/m^3, measured as total suspended particles (TSP) and not to be exceeded with an averaging time of a rolling three month period. EPA also revised the secondary (welfare-based) standard to be identical to the primary standard, as well as the associated ambient air monitoring requirements. *See* 40 CFR 50.16.

Section 110(a) of the CAA requires states to submit SIPs to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS or within such shorter period as EPA may prescribe. The contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affect the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains.

Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(1) provides the procedural and timing requirements for SIPs and section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. More specifically, section 110(a)(2) lists specific elements that states must meet for "infrastructure" SIP requirements related to a newly established or revised NAAQS.

For the 2008 Pb NAAQS, states typically have met many of the basic program elements required in section 110(a)(2) of the CAA through earlier SIP submissions in connection with previous lead NAAQS. Nevertheless, pursuant to section 110(a)(1) of the CAA, states have to review and revise, as appropriate, their existing lead NAAQS SIPs to ensure that the SIPs are adequate to address the 2008 Pb NAAQS. To assist states in meeting this statutory requirement, EPA issued guidance on October 14, 2011, entitled, "Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)," which lists the basic elements that states should include in their SIPs for the 2008 Pb NAAQS.

II. Summary of SIP Revision

On May 2, 2014 (79 FR 25059), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland proposing approval of Maryland's January 3, 2013 and August 14, 2013 submittals to satisfy several requirements of section 110(a)(2) of the CAA for the 2008 Pb NAAQS. In the NPR, EPA proposed approval of the following infrastructure elements: Sections 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M), or portions thereof. This action does not include any action on section 110(a)(2)(I) of the CAA which pertains to the nonattainment requirements of part D, Title I of the CAA, because this element is not required to be submitted by the 3-year submission deadline of CAA section 110(a)(1), and will be addressed in a separate process if necessary. The rationale which supports EPA's proposed action, including the scope of infrastructure SIPs in general, is explained in the NPR and the technical support document (TSD) accompanying the NPR and will not be restated here. The TSD is available online at *www.regulations.gov,* Docket ID Number EPA–R03–OAR–2013–0072. No comments were received on this rulemaking action.

III. Final Action

EPA is approving two revisions to the Maryland SIP, Maryland's January 3, 2013 and August 14, 2013 submittals for the 2008 Pb NAAQS, that address the following infrastructure elements: Sections 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). This rulemaking action does not include section 110(a)(2)(I) of the CAA which pertains to the nonattainment requirements of part D, Title I of the CAA, since this element is not required to be submitted by the three year submission deadline of section 110(a)(1), and will be addressed in a separate process.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

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 September 15, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, addressing infrastructure requirements of section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA for the 2008 Pb NAAQS for the State of Maryland, may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead, Reporting and recordkeeping requirements.

Dated: June 27, 2014.

W.C. Early,

Acting, Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (e) is amended by adding the entry for "Section 110(a)(2) Infrastructure Requirements for the 2008 Lead NAAQS" at the end of the table to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA Approval date	Additional explanation
* *	*	*	* *	* *
Section 110(a)(2) Infrastructure Requirements for the 2008 Lead NAAQS.	Statewide	1/3/2013 8/14/2013	7/16/2014 [*Insert page number where the document begins*].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L) and (M)

[FR Doc. 2014–16556 Filed 7–15–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2011–0888; FRL–9913–59–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Illinois, Michigan, Minnesota, Wisconsin; Infrastructure SIP Requirements for the 2008 Lead NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve elements of state implementation plan (SIP) submissions from Michigan and Wisconsin while taking final action to approve some elements and disapprove other elements of SIP submissions from Illinois and Minnesota regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2008 lead National Ambient Air Quality Standards (2008 Pb NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. Illinois and Minnesota already administer federally promulgated regulations that address the final disapprovals described in today's rulemaking. Therefore, these two states are not obligated to submit new or additional regulations to EPA.

DATES: This final rule is effective on August 15, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2011–0888. 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., Confidential Business Information 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 U.S. 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 Andy Chang at (312) 886–0258 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Andy Chang, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0258, *chang.andy@epa.gov*.

SUPPLEMENTARY INFORMATION: The proposed rulemaking associated with this final action was published on May 13, 2014, and EPA received two comment letters during the comment period, which ended on June 12, 2014. One of the letters supported EPA's proposed actions, and the concerns raised in the other letter, as well as EPA's response, will be addressed in this final action.

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

I. What is the background of these SIP submissions?

A. What state SIP submissions does this rulemaking address?

This rulemaking addresses submissions from the following states in EPA Region 5: Illinois Environmental Protection Agency (Illinois EPA); Michigan Department of Environmental Quality (MDEQ); Minnesota Pollution Control Agency (MPCA); and Wisconsin Department of Natural Resources (WDNR). The states submitted their 2008 Pb NAAQS infrastructure SIPs on the following dates: Illinois—December 31, 2012; Michigan—April 3, 2012, and supplemented on August 9, 2013, and September 19, 2013; Minnesota—June 19, 2012; and, Wisconsin—July 26, 2012.

B. Why did the states make these SIP submissions?

Under sections 110(a)(1) and (2) of the CAA, states are required to submit infrastructure SIPs to ensure that their SIPs provide for implementation, maintenance, and enforcement of the NAAQS, including the 2008 Pb NAAQS. These submissions must contain any revisions needed for meeting the applicable SIP requirements of section 110(a)(2), or certifications that their existing SIPs for Pb and ozone already meet those requirements.

EPA highlighted this statutory requirement in an October 2, 2007, guidance document entitled "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards" (2007 Memo). On September 25, 2009, EPA issued an additional guidance document pertaining to the 2006 $PM_{2.5}$[1] NAAQS entitled "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS)" (2009 Memo), followed by the October 14, 2011, "Guidance on infrastructure SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)" (2011 Memo). Most recently, EPA issued "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and (2)" on September 13, 2013 (2013 Memo). The SIP submissions referenced in this rulemaking pertain to the applicable requirements of section 110(a)(1) and (2), and primarily address the 2008 Pb NAAQS. To the extent that the prevention of significant deterioration (PSD) program is comprehensive and non-NAAQS specific, a narrow evaluation of other NAAQS, such as the 1997 ozone and 2006 $PM_{2.5}$ NAAQS will be included in the appropriate sections.

C. What is the scope of this rulemaking?

EPA is acting upon the SIP submissions from Illinois, Michigan, Minnesota, and Wisconsin that address the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2008 Pb NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions "within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof)," and these SIP submissions are to provide for the "implementation, maintenance, and enforcement" of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the

[1] $PM_{2.5}$ refers to particulate matter of 2.5 microns or less in diameter, oftentimes referred to as "fine" particles.

submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that "[e]ach such plan" submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as "infrastructure SIP" submissions. Although the term "infrastructure SIP" does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as "nonattainment SIP" or "attainment plan SIP" submissions to address the nonattainment planning requirements of part D of title I of the CAA, "regional haze SIP" submissions required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review (NNSR) permit program submissions to address the permit requirements of CAA, title I, part D.

As described in EPA's May 13, 2014, proposed rulemaking (*see* 79 FR 27241), this rulemaking will not cover three substantive areas that are not integral to acting on a state's infrastructure SIP submission: (i) Existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction at sources, that may be contrary to the CAA and EPA's policies addressing such excess emissions ("SSM"); (ii) existing provisions related to "director's variance" or "director's discretion" that purport to permit revisions to SIP approved emissions limits with limited public process or without requiring further approval by EPA, that may be contrary to the CAA (collectively referred to as "director's discretion"); and, (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's "Final NSR Improvement Rule," 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) ("NSR Reform"). Instead, EPA has the authority to address each one of these substantive areas in separate rulemaking. Additionally, the history, interpretation, and rationale related to infrastructure SIP requirements can be found in our May 13, 2014, proposed rule entitled, "Infrastructure SIP Requirements for the 2008 Lead NAAQS" in the section, "What is the scope of this rulemaking?" (*see* 79 FR 27241 at 27242–27245).

II. What is our response to comments received on the proposed rulemaking?

The public comment period for EPA's proposed actions with respect to each state's satisfaction of the infrastructure SIP requirements for the 2008 Pb NAAQS closed on June 12, 2014. EPA received two comment letters, one of which was in support of our proposed actions. A synopsis of the adverse comments contained in the other letter, as well as EPA's response, is discussed below.

Comment: The commenter noted that EPA did not address Wisconsin's compliance with the requirements to incorporate $PM_{2.5}$ increments [2] into its SIP. The commenter asserted that because Wisconsin has failed to incorporate the increments, EPA needs to disapprove the applicable infrastructure SIP PSD sub-element for the $PM_{2.5}$ increments, and begin a Federal Implementation Plan (FIP) clock.

Response: In EPA's May 13, 2014, proposed rulemaking, we stated that we were not taking action on Wisconsin's satisfaction of the applicable PSD requirements, e.g., incorporating the $PM_{2.5}$ increments found in section 110(a)(2)(C), section 110(a)(2)(D)(ii), or section 110(a)(2)(J) (*see* 79 FR 27241 at 27246). Instead, EPA stated that it would address Wisconsin's compliance with these requirements in a separate rulemaking. In other words, this comment is not germane to today's rulemaking.

III. What action is EPA taking?

For the reasons discussed in our May 13, 2014, proposed rulemaking and in the above response to a public comment, EPA is taking final action to approve, as proposed, most elements of submissions from Illinois, Michigan, Minnesota, and Wisconsin certifying that their current SIPs are sufficient to meet the required infrastructure elements under sections 110(a)(1) and (2) for the 2008 Pb NAAQS. We are also taking final action to disapprove some elements of submissions from Illinois and Minnesota related to each state's PSD program. As described in the proposed rulemaking, both of these states already administer Federally promulgated PSD regulations through delegation, and therefore, no practical effect is associated with today's final disapproval of those elements (*see* 79 FR 27241 at 27256–27257).

To clarify, EPA is taking final action to disapprove the infrastructure SIP submissions from Illinois and Minnesota with respect to certain PSD requirements including: (i) Provisions that adequate address the 2008 Pb NAAQS; (ii) the explicit identification of oxides of nitrogen (NO_X) as a precursor to ozone consistent with the "Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2; Final Rule to Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as They Apply in Carbon Monoxide, Particulate Matter, and Ozone NAAQS; Final Rule for Reformulated Gasoline"; (iii) the explicit identification of sulfur dioxide (SO_2) and NO_X as $PM_{2.5}$ precursors (and the significant emissions rates for direct $PM_{2.5}$, and SO_2 and NO_X as its precursors), and the regulation of $PM_{2.5}$ and PM_{10} [3] condensables, consistent with the requirements of the final rule on the "Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)"; (iv) the $PM_{2.5}$ increments and associated implementation rules consistent with the final rule on the "Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)"; and, (v) permitting of greenhouse gas (GHG) emitting sources at the Federal Tailoring Rule thresholds.

EPA is also taking final action to disapprove the infrastructure SIP submissions from Illinois and Minnesota with respect to the requirements of section 110(a)(2)(D)(ii) related to interstate pollution abatement. Specifically, this section requires states with PSD programs have provisions requiring a new or modified source to notify neighboring states of the potential impacts from the source, consistent with the requirements of section 126(a).

However, Illinois and Minnesota have no further obligations to EPA because Federally promulgated rules, promulgated at 40 CFR 52.21 are in effect in each of these states. EPA has delegated the authority to Illinois and Minnesota to administer these rules, which include provisions related to PSD and interstate pollution abatement. This

[2] The $PM_{2.5}$ increments and associated implementation rules in question arise from EPA's October 20, 2010, final rule for the "Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)".

[3] PM_{10} refers to particles with diameters between 2.5 and 10 microns, oftentimes referred to as "coarse" particles.

final disapproval for Illinois and Minnesota for these infrastructure SIP requirements will not result in sanctions under section 179(a), nor will it obligate EPA to promulgate a FIP within two years of final action if the states do not submit revisions to their PSD SIPs addressing these deficiencies. Instead, Illinois and Minnesota are already subject to the Federally promulgated PSD regulations, and both states administer these regulations via EPA's delegated authority.

EPA's final actions for each state's satisfaction of infrastructure SIP requirements, by element of section 110(a)(2) are contained in the table below.

Element	IL	MI	MN	WI
(A): Emission limits and other control measures	A	A	A	A
(B): Ambient air quality monitoring and data system	A	A	A	A
(C)1: Enforcement of SIP measures	A	A	A	A
(C)2: PSD program for Pb	D,*	A	D,*	NA
(C)3: NO_X as a precursor to ozone for PSD	D,*	A	D,*	NA
(C)4: $PM_{2.5}$ Precursors/$PM_{2.5}$ and PM_{10} condensables for PSD	D,*	A	D,*	NA
(C)5: $PM_{2.5}$ Increments	D,*	A	D,*	NA
(C)5: GHG permitting thresholds in PSD regulations	D,*	A	D,*	NA
(D)1: Contribute to nonattainment/interfere with maintenance of NAAQS	A	A	A	A
(D)2: PSD	**	**	**	**
(D)3: Visibility Protection	A	A	A	A
(D)4: Interstate Pollution Abatement	D,*	A	D,*	A
(D)5: International Pollution Abatement	A	A	A	A
(E): Adequate resources	A	A	A	A
(E): State boards	NA	NA	NA	NA
(F): Stationary source monitoring system	A	A	A	A
(G): Emergency power	A	A	A	A
(H): Future SIP revisions	A	A	A	A
(I): Nonattainment area plan or plan revisions under part D	NA	NA	NA	NA
(J)1: Consultation with government officials	A	A	A	A
(J)2: Public notification	A	A	A	A
(J)3: PSD	**	**	**	**
(J)4: Visibility protection	+	+	+	+
(K): Air quality modeling and data	A	A	A	A
(L): Permitting fees	A	A	A	A
(M): Consultation and participation by affected local entities	A	A	A	A

In the above table, the key is as follows:

A	Approve.
NA	No Action/Separate Rulemaking.
D	Disapprove.
+	Not germane to infrastructure SIPs.
*	Federally promulgated rules in place.
**	Previously discussed in element (C).

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 15, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

Dated: July 2, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.745 is amended by adding paragraph (d) to read as follows:

§ 52.745 Section 110(a)(2) Infrastructure requirements.

* * * * *

(d) Approval and Disapproval—In a December 31, 2012, submittal, Illinois certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2008 lead (Pb) NAAQS. EPA is not taking action on the state board requirements of (E)(ii). Although EPA is disapproving portions of Illinois' submission addressing the prevention of significant deterioration, Illinois continues to implement the Federally promulgated rules for this purpose as they pertain to (C), (D)(i)(II), (D)(ii), and (J).

■ 3. In § 52.1170, the table in paragraph (e) is amended by adding an entry at the end of the table for "Section 110(a)(2) Infrastructure Requirements for the 2008 lead (Pb) NAAQS" to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Comments
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements for the 2008 lead (Pb) NAAQS.	Statewide	4/3/2012, 8/9/213.	7/16/2014, [INSERT **Federal Register** CITATION].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). We are not taking action on the state board requirements of (E)(ii). We will address these requirements in a separate action.

■ 4. In § 52.1220, the table in paragraph (e) is amended by adding an entry at the end of the table for "Section 110(a)(2) Infrastructure Requirements for the 2008 lead (Pb) NAAQS" to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MINNESOTA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA Approved date	Comments
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements for the 2008 lead (Pb) NAAQS.	Statewide	6/19/2012 (submittal date).	7/16/2014, [INSERT **Federal Register** CITATION].	This action addresses the following CAA elements: 110(a)(2)(A),(B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). We are not taking action on the state board requirements of (E)(ii). We will address these requirements in a separate action. Although EPA is disapproving portions of Minnesota's submission addressing the prevention of significant deterioration, Minnesota continues to implement the Federally promulgated rules for this purpose as they pertain to section 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J).

■ 5. Section 52.2591 is amended by adding paragraph (f) to read as follows:

§ 52.2591 Section 110(a)(2) Infrastructure requirements.

* * * * *

(f) Approval—In a July 26, 2012, submittal, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2008 lead (Pb) NAAQS. We are not taking action on the prevention of

significant deterioration requirements related to section 110(a)(2)(C), (D)(i)(II), and (J), and the state board requirements of (E)(ii). We will address these requirements in a separate action.

[FR Doc. 2014–16553 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0590; FRL–9911–54]

Coco alkyl dimethyl amines; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of coco alkyl dimethyl amines (CAS Reg. No. 61788–93–0) when used as an inert ingredient (emulsifier) in pesticide formulations applied to crops preharvest at a concentration not to exceed 0.5% by weight. Technology Sciences Group Inc., 1150 18th St. NW., Suite 1000, Washington, DC 20036, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of coco alkyl dimethyl amines.

DATES: This regulation is effective July 16, 2014. Objections and requests for hearings must be received on or before September 15, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0590, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select "Test Methods and Guidelines."

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0590 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 15, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0590, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of October 25, 2013 (78 FR 63938) (FRL–9901–96), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10622) by Technology Sciences Group Inc., 1150 18th St. NW., Suite 1000, Washington, DC 20036. The petition requested that 40 CFR 180.920 be amended by establishing an exemption from the requirement of a tolerance for residues of coco alkyl dimethyl amines (CAS Reg. No. 61788–93–0) when used as an inert ingredient (emulsifier) in pesticide formulations applied to crops preharvest at a concentration not to exceed 0.5% by weight.

That document referenced a summary of the petition prepared by Technology Sciences Group Inc., the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has approved of the use of coco alkyl dimethyl amines at a maximum concentration not to exceed 0.5% by weight in the final end-use formulation. This limitation is based on the Agency's

risk assessment which can be found at *http://www.regulations.gov* in document Coco Alkyl Dimethyl Amines: CASRN 61788–93–0 Decision Document for the Proposed Use of Coco Alkyl Dimethyl Amines as an Inert Ingredient in Pesticide Formulations Under 40 CFR 180.920 in docket ID number EPA–HQ–OPP–2013–0590.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for coco alkyl dimethyl amines, including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with coco alkyl dimethyl amines follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by coco alkyl dimethyl amines as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

In 2004, the Agency's High Production Volume (HPV) reviewed 23 fatty nitrogen derived amines. Coco alkyl dimethyl amines was among the group of fatty nitrogen derived amines. In instances where complete data sets were not available, the American Chemistry Council (ACC), as part of the High Production Volume (HPV) Test Challenge Program for Fatty Nitrogen Derivatives, utilized data derived from structurally closely related compounds. The predominant alkyl species in coco alkyl dimethyl amines is the dodecyl (C_{12}) group with the other alkyl species being the tetradecyl (C_{14}), hexadecyl (C_{16}), and octadecyl (C_{18}) groups. *N,N*-dimethyl-1-dodecanamine (CAS Reg. No. 112–18–5) is a closely related substance in that the chemical structure is similar, the carbon chain length is similar and its physical/chemical properties are similar. *N,N*-dimethyl-1-dodecanamine and other related alkyl dimethyl amines were used in assessing coco alkyl dimethyl amines (CADA).

The coco alkyl dimethyl amines exhibit low toxicity via the acute oral, dermal, and inhalation routes of exposure. In rats the acute oral LD_{50} is > 1,000 milligrams/kilogram body weight/day (mg/kg bw/day). The acute dermal LD_{50} is > 3,385 mg/kg bw/day in rabbits. It is corrosive to the skin and irritating to the eyes of rabbits. An acute inhalation study was not available with the coco alkyl dimethyl amines, however, data are available for an acceptable surrogate compound, n-tallow alkyl derivatives of 2,2'-iminobis ethanol (CAS Reg. No. 61791–44–4). The acute inhalation LC_{50} is > 0.6 milligram/Liter (mg/L) in rats.

A 28-day toxicity study was conducted using Sprague-Dawley rats which received an oral gavage dose of 0, 50, 150, or 300 mg/kg bw/day. At 150 mg/kg bw/day, animals displayed mild adverse behavior, including snout rubbing. A NOAEL of 50 mg/kg bw/day was observed in this study.

There was no evidence of mutagenicity in the Ames test for *N,N*-dimethyl 1-tetradecanamine (CAS Reg. No. 112–75–4), *N,N*-dimethyl 1-hexadecanamine (CAS Reg. No. 112–69–6), and *N,N*-dimethyl 1-octadecanamine (CAS Reg. No. 124–28–7). *N,N*-dimethyl-1-dodecanamine (CAS Reg. No. 112–18–5) was not clastogenic in an *in vivo* mammalian erythrocyte micronucleus test.

A gavage reproductive/developmental toxicity screening study was conducted where *N,N*-dimethyl-1-dodecanamine (CAS Reg. No. 112–18–5) was administered to Sprague-Dawley rats. At 150 mg/kg bw/day, mortality, increased mean implantation loss, decreased mean viability index and abnormal maternal behavior was observed in the dams and reduced weight in pups. The maternal, developmental and reproduction NOAEL was 50 mg/kg bw/day.

None of the amines discussed in the American Chemistry Council High Production Volume challenge document were mutagenic. As noted in the HPV challenge, "The vast majority of the *in vitro* and *in vivo* genotoxicity tests gave no indication of genotoxic potential for primary aliphatic amines" (which includes coco alkyl diethyl amines). The available feeding study for cyclohexylamine and 2-year feeding

studies with sec-butylamine and octadecylamine showed no tumorigenic potential."

In addition, the Agency conducted additional review of coco alkyl dimethyl amines using DEREK software analysis to determine if there were any alerts for carcinogenicity or other chronic toxicity. The results of the DEREK analysis indicated that there were no "ALERTS" for carcinogenicity. Based on the lack of concern regarding mutagenicity and lack of carcinogenicity in animal studies for surrogate chemicals and lack of any carcinogenicity alerts in the DEREK analysis, the EPA concluded that coco alkyl diethyl amines are unlikely to pose a carcinogenic risk.

No dermal toxicity or dermal absorption studies are available for coco alkyl diethyl amines. A dermal absorption study is available for 1-dodecanamine which is structurally closely related. The dermal absorption of 1-dodecanamine was determined to be 60%. The coco alkyl diethyl amine is a larger molecule than 1-dodecanamine, therefore, it is not expected to be absorbed at a greater rate.

No studies were found specific to the metabolic pathway or toxicokinetic properties of coco alkyl dimethyl amines in mammalian systems. However, based on the knowledge of metabolism of structurally similar compounds in mammals, hepatic dealkylation readily occurs with secondary and tertiary amines, with the methyl groups leaving preferentially. Oxidation of the alpha carbon via cytochrome P450, forms a carbinolamine intermediate that will spontaneously cleave to form a secondary amine and a carbonyl compound. Subsequent, dealkylation of the secondary amine will take place at a slower rate. In a more minor pathway, hydroxylation of the nitrogen atom by hepatic oxidases may take place. Fatty acids are primarily excreted as CO_2.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

No acute endpoint of concern was identified in the available database, therefore *N,N*-dimethyl-1-dodecanamine is not expected to pose an acute hazard. The chronic reference dose was based on data from co-critical studies, a 28-day oral toxicity study and a reproduction and developmental screening study on *N,N*-dimethyldodecylamine (CAS Reg. No. 112–18–5). In the 28-day repeat dose feeding study in rats, all animals showed rubbing of the snouts in the bedding material between test days 2 and 28, immediately after dosing for a duration of approximately 5 minutes. In a reproduction and developmental screening studies in rats, mortality, increased mean implantation loss, decreased mean viability index, reduced pup weight and abnormal maternal behavior were observed at 150 mg/kg bw/day. The NOAEL was 50 mg/kg bw/day in both studies. The uncertainty factor of 1,000X was used for chronic dietary assessment (10X for intra-individual variability, 10X for interspecies extrapolation and 10X Food Quality Protection Act Safety Factor (FQPA SF). No appropriate dermal or inhalation toxicity studies are available for the exposure assessment. However, the FQPA SF of 10X is retained due to the lack of guideline long-term study(ies) and lack of a 28-day inhalation toxicity study. Dermal absorption was assumed to be 60% and inhalation absorption is assumed to be 100% oral equivalent. The acceptable MOEs for dermal and inhalation exposure are 1,000.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to coco alkyl dimethyl amines, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from coco alkyl dimethyl amines in food as follows:

Because an acute endpoint of concern was not identified, an acute dietary exposure assessment is not necessary. In conducting the chronic dietary exposure assessment using the Dietary Exposure Evaluation Model DEEM–FCID ™, Version 3.16, EPA used food consumption information from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). This dietary survey was conducted from 2003 to 2008. The Inert Dietary Exposure Evaluation Model (I–DEEM) is a highly conservative model with the assumption that the residue level of the inert ingredient would be no higher than the highest tolerance for a given commodity. Implicit in this assumption is that there would be similar rates of degradation between the active and inert ingredient (if any) and that the concentration of inert ingredient in the scenarios leading to these highest of tolerances would be no higher than the concentration of the active ingredient. The model assumes 100 percent crop treated (PCT) for all crops and that every food eaten by a person each day has tolerance-level residues. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled "Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts." (D361707, S. Piper, 2/25/09) and can be found at http://www.regulations.gov in docket ID number EPA–HQ–OPP–2008–0738.

2. *Dietary exposure from drinking water.* For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for coco alkyl dimethyl amines, a conservative drinking water concentration value of 100 parts per billion (ppb) based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Based upon the requested use pattern coco alkyl diethyl amines as an emulsifier that aids in the spray application of pesticides, EPA does not expect non-occupational (i.e., residential) pesticide handler exposures. However, if it is used in pesticide formulations in residential setting then it could result in short- and intermediate-term residential exposure and EPA has determined that it is appropriate to aggregate chronic exposure through food and water with short- and intermediate-term residential exposures to coco alkyl diethyl amines. It is possible that non-dietary exposure (primarily dermal) could occur as a result of non-pesticidal uses of coco alkyl dimethyl amines such as use in detergents, fabric softeners or anti-static agents. The dietary assessment indicates 3.8% of the RfD for the total U.S. population and 14.1% for children 1–2 years of age (the population most at risk). In light of the highly conservative dietary exposure assessment, the relatively low amount of projected dietary exposure compared to the RfD, and the primary route for non-dietary exposure (dermal), the EPA believes exposure from non-dietary sources will not exceed the Agency's level of concern. In addition, the combined dermal and inhalation MOEs from possible pesticidal residential uses are in the range of 13,000 to 1,666,000.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA has not found coco alkyl dimethyl amines to share a common mechanism of toxicity with any other substances, and coco alkyl dimethyl amines does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that coco alkyl dimethyl amines does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA SF. In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* In a reproductive toxicity/developmental screening study in rats, neither qualitative nor quantitative fetal susceptibility was observed. Maternal toxicity (mortality and abnormal maternal behavior), developmental and reproduction toxicity (increased implantation loss, decreased mean viability index, reduced pup weight) effects were observed at the same dose, 150 mg/kg bw/day. The NOAEL was 50 mg/kg/day.

3. *Conclusion.* EPA has determined that it lacks reliable data to apply an additional safety for the protection of infants and children lower than 10X. The decision is based on the following findings:

i. The toxicity database for coco alkyl diethyl amines is incomplete. The following acceptable studies are available: 28-day Oral toxicity study in rats Reproduction/Developmental Screening study in rats.

EPA has retained a FQPA factor of 10X due to lack of a long term study conducted evaluating all current guideline parameters, the limited number of animals used in the reproductive/developmental study and the lack of an inhalation toxicity study.

ii. Neurotoxicity and immunotoxicity studies were not available for review.

However, evidence of neurotoxicity or immunotoxicity was not observed in the submitted studies. Therefore, an immunotoxicity study or a developmental neurotoxicity study is not required at this time.

iii. There is no evidence that coco alkyl dimethyl amines results in increased susceptibility in *in utero* rats. In a reproductive toxicity/developmental screening study in rats, neither qualitative nor quantitative fetal susceptibility was observed.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to coco alkyl diethyl amines in drinking water. EPA used similarly conservative assumptions to assess postapplication exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by coco alkyl dimethyl amines.

Given the relatively low toxicity demonstrated by coco alkyl dimethyl amines and the very conservative exposure assessment used, EPA has determined that, despite the incompleteness of the toxicity database, an additional SF of 10X will be protective of infants and children.

E. Aggregate Risks and Determination of Safety Determination of Safety Section

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, coco alkyl diethyl amines is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to coco alkyl dimethyl amines from food and water will utilize 14.1% of the cPAD for children 1–2 years of age, the population group receiving the greatest exposure. There are no residential uses for coco alkyl dimethyl amines. Based on the explanation in this unit, regarding residential use patterns, chronic residential exposure to residues of coco alkyl diethyl amines is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background

exposure level). The quantitative short-term aggregate risk assessment is not necessary because the total dietary exposure for the U.S. population is 3.8% of the cPAD, and any possible short-term residential exposure from handler use would not be a significant contributer to overall risk nor exceed levels of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). The quantitative intermediate-term aggregate risk assessment is not necessary because the total dietary exposure for the U.S. population is 3.8% of the cPAD, the Agency believes any possible intermediate-term residential exposure from handler use would not be a significant contributor to overall risk nor exceed levels of concern.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity, coco alkyl dimethyl amines is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to coco alkyl dimethyl amines residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of coco alkyl dimethyl amines in or on any food commodities. EPA is establishing a limitation on the amount of coco alkyl dimethyl amines that may be used in pesticide formulations. The limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq. EPA will not register any pesticide for sale or distribution that contains greater than 0.5% of coco alkyl dimethyl amines in the pesticide formulation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nation Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for coco alkyl dimethyl amines.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.920 for coco alkyl diethyl amines (CAS Reg. No. 61788–93–0) when used as an inert ingredient (emulsifier) in pesticide formulations applied pre-harvest to growing crops at a maximum not to exceed 0.5% by weight in the final pesticide formulation.

VII. Statutory and Executive Order Reviews

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled "Regulatory Planning and Review" (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 3, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.920, the table is amended by alphabetically adding the following inert ingredient after the entry for "Cis-isomer * * *" to read as follows:

§ 180.920 Inert ingredients used pre-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * *	* * *	*
Coco alkyl dimethyl amines (CAS Reg. No. 61788–93–0)	Not to exceed 0.5% in pesticide formulation	Emulsifier.
* * *	* * *	*

[FR Doc. 2014–16463 Filed 7–15–14; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 27

[WT Docket No. 03–66; FCC 14–76]

Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopted rules that relax the out-of-band emissions (OOBE) limits for Broadband Radio Service (BRS) and Educational Broadband Service (EBS) digital mobile stations (broadband mobile devices) operating in the 2496–2690 MHz radio frequency (RF) band (2.5 GHz band). These changes will enable operators to use BRS and EBS spectrum more efficiently and provide higher data rates to consumers. These changes will also promote greater consistency between the Commission's BRS/EBS technical rules and global standards for broadband mobile devices in the 2.5 GHz band, potentially making equipment more affordable and furthering the proliferation of broadband mobile devices, such as smartphones and tablets that operate in the 2.5 GHz band.

DATES: Effective August 15, 2014.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy M. Zaczek, Broadband Division, Wireless Telecommunications Bureau, at (202) 418–0274 or *Nancy.Zaczek@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Fifth Report and Order*, FCC–14–76, adopted on June 6, 2014, and released on June 9, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554. The complete text may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, (202) 488–5300, facsimile (202) 488–5563, or via email at *fcc@bcpiweb.com*. The complete text is also available on the Commission's Web site at *http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-14-76A1.docx*. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

I. Introduction

1. In this *Fifth Report and Order* (*BRS/EBS OOBE R&O*), the Commission relaxed the OOBE limits for Broadband Radio Service (BRS) and Educational Broadband Service (EBS) digital mobile stations (broadband mobile devices) operating in the 2496–2690 MHz radio frequency band (2.5 GHz band). These changes will enable operators to use BRS and EBS spectrum more efficiently and provide higher data rates to consumers. These changes will also promote greater consistency between the Commission's BRS/EBS technical rules and global standards for broadband mobile devices in the 2.5 GHz band, potentially making equipment more affordable and furthering the proliferation of broadband mobile devices, such as smartphones and tablets that operate in the 2.5 GHz band.

II. Background

2. *General:* To enable commercial operators to develop and deploy new and innovative wireless services, in 2004, the Commission fundamentally transformed the licensing and technical rules for the BRS and EBS. The Commission reconfigured the 2.5 GHz band into upper and lower-band segments (UBS and LBS, respectively) for new two-way low-power operations, such as mobile and fixed wireless broadband services, and a mid-band segment (MBS) for legacy one-way video high-power operations, such as long-distance learning. In addition, the Commission reallocated and assigned an additional 5 megahertz to the BRS/EBS band at 2495–2500 MHz, and permitted BRS and EBS services to share the 2495–2500 MHz portion of the band on a co-primary basis with operators in the part 25 Mobile Satellite Service (MSS), as well as grandfathered part 74 Broadcast Auxiliary Service (BAS) and part 90 mobile service (MS) and part 101 fixed service (FS) stations. Under the new band plan, BRS Channel 1 (BRS1) was relocated to 2496–2502 MHz from 2150–2156 MHz. BRS1 was the channel most affected by the Commission's decision to allow BRS/EBS operators and MSS, BAS channel A10, MS, and FS radio services to share the 2496–2500 MHz portion of the 2.5 GHz band. To reduce the potential for harmful interference to operations above and below 2495 MHz, the Commission created a one megahertz guard band at 2495–2496 MHz.

3. To protect against adjacent channel interference and to facilitate mobile operations in the band, the Commission's 2004 decision also revised the OOBE limits for BRS and EBS licensees operating in the LBS and UBS, consistent with a proposal made by a coalition of organizations representing BRS and EBS licensees. The Commission retained the existing OOBE limits for MBS analog operations, but applied the new OOBE limits to MBS digital operations with the result that all digital operations throughout the 2.5 GHz band would be subject to the same OOBE limits. For mobile broadband devices, the Commission

required that emissions outside the licensee's channel, or channels if combined, be attenuated below the transmitter power (P) by a factor of 43 + 10 log (P) decibels (dB) at the channel's edge, and 55 + 10 log (P) dB at 5.5 megahertz from the channel edge, where (P) is the transmitter power measured in Watts. The Commission noted that MSS licensees operating in the adjacent band could seek tighter OOBE limits for BRS1 operations in cases of documented harmful interference.

4. Since the Commission adopted these OOBE limits and other changes to the BRS/EBS services in 2004, Clearwire Corporation (Clearwire) has become the predominant operator in the band. Clearwire and other operators in the 2.5 GHz band use equipment designed according to the Worldwide Interoperability for Microwave Access (WiMAX) version 802.16e standard, a technology based on the Institute of Electrical and Electronics Engineers (IEEE) 802.16 standard, to provide wireless broadband service. Sprint, which now controls 100 percent of Clearwire, has announced its intent to deploy a Time Division Duplex (TDD) system based on Long Term Evolution (LTE), another global standard for wireless broadband technology, in the 2.5 GHz band as part of its Sprint Spark service, which is currently available in 11 markets. The Third Generation Partnership Project (3GPP), a consensus-driven international partnership of telecommunications standards bodies, developed LTE. 3GPP has identified three band classes for LTE applicable to the 2.5 GHz Band:

- Band Class 7 (Frequency Division Duplex (FDD) operation with uplink operation in 2500–2570 MHz and downlink operation in 2620–2690 MHz);
- Band Class 38 (TDD operation in 2570–2620 MHz); and
- Band Class 41 (TDD operation throughout the 2496–2690 MHz band).

5. Sprint estimates that 100 million customers will have Sprint Spark or 2.5 GHz band coverage by the end of 2014. IEEE and 3GPP state that they are refining their respective standards into new versions: WiMAX 2 (based on the 802.16m standard) and Advanced-LTE (3GPP Release 10 and beyond).

6. To cope with increased demand for Fourth Generation (4G) services while using spectrum efficiently, WiMAX2 and LTE-Advanced equipment will use channels that have bandwidths up to 40–100 megahertz. In contrast, current WiMAX equipment typically uses channels that have a maximum bandwidth of 10 megahertz. Although channels in the LBS and UBS, except for BRS1 and BRS Channel 2 (BRS2), are 5.5 megahertz, operators generally combine multiple channels to provide service.

7. *WCAI Petition:* To permit operators to realize the full benefits of 4G technologies, such as WiMAX2 and Advanced-LTE, which can use wider bandwidth technologies, on October 22, 2010, the Wireless Communications Association International (WCAI) filed a petition for rulemaking asking the Commission to revise the OOBE limits for mobile broadband devices operating in the 2.5 GHz band to accommodate channel bandwidths of 20 megahertz and wider. WCAI stated that it is difficult for mobile broadband devices operating in the 2.5 GHz band to meet the OOBE limits for 10 megahertz channels because of the limits of power amplifier efficiency inherent in current technology. WCAI also asserted that it would be difficult or impossible to develop a smartphone that both complies with current out-of-band emissions standards and that could fully use a 20 megahertz channel bandwidth. WCAI thus asked the Commission to relax the OOBE limits for mobile broadband devices operating in the 2.5 GHz band by modifying the attenuation factors that these devices must meet. WCAI argued that this increase would allow operators to provide the full uplink capacity available in 20 megahertz or wider channels, and would align the Commission's OOBE limits with international standards developed by 3GPP for OOBE limits in the 2.5 GHz band.

8. *BRS/EBS OOBE Further Notice of Proposed Rule Making (FNPRM):* In response to WCAI's petition, on May 27, 2011, the Commission released the *BRS/EBS OOBE FNPRM,* in which it found that enabling the use of wider channels in the 2.5 GHz band would enhance spectrum efficiency and throughput of mobile broadband devices operating in the 2.5 GHz band, and that aligning the Commission's rules with international standards could benefit both operators and consumers. The Commission sought comment on whether it should modify the OOBE limits for mobile broadband devices operating in the 2.5 GHz band, and specifically sought comments on the OOBE limits (*i.e.,* attenuation factors) requested by WCAI, and outlined below.

- 40 + 10 log (P) (where (P) is the transmitter power in Watts) dB at the channel edge, measured using a resolution bandwidth of 2 percent of the emission bandwidth of the fundamental emission in the 1 megahertz bands immediately outside and adjacent to the frequency block;
- 43 + 10 log (P) dB beyond 5 megahertz from the channel edges; and
- 55 + 10 log (P) dB attenuation factor at a separation of X megahertz from the channel edges, where X is the greater of 6 megahertz or the actual emission bandwidth as defined in § 27.53(m)(6) of the Commission's rules.

9. In addition to seeking comment on the specific OOBE limits proposed by WCAI, the Commission also inquired about the following issues:

- Whether the proposed rule changes are necessary to permit mobile broadband devices to operate in the 2.5 GHz band using channel bandwidths wider than 10 megahertz;
- Whether the proposed rule changes would result in insufficient protection against harmful interference within the 2.5 GHz band, and if so, whether additional protections against such harmful interference would be needed;
- Whether the proposed rule changes would increase the potential for harmful interference into the MSS and BAS below 2495 MHz;
- Whether the Commission should adopt a fixed limit for OOBE below 2495 MHz or above 2690 MHz;
- Whether the proposed rule would work for channels wider than 20 megahertz without causing harmful interference to operations in adjacent bands;
- Whether the proposed rule changes would be consistent with IEEE's continuing development of WiMAX2, as well as other evolving standards; and
- Whether any additional changes to the OOBE limits applicable to digital mobile stations in the 2.5 GHz band are necessary or desirable to promote greater efficiency and flexibility in the provision of broadband services in these bands.

10. *Comments and Clearwire Ex Parte:* Most commenters supported the *BRS/EBS OOBE FNPRM's* proposed rule changes. They argued that the proposed changes to the OOBE standard would allow faster data rates in the 2.5 GHz band, align the Commission's rules with international standards, maximize spectral efficiency and broadband throughput, and permit manufacturers and network operators to realize enormous economies of scope and scale. However, four commenters opposed the proposed changes, including Globalstar Corporation (Globalstar), the Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (EIBASS), IP Wireless, Inc. (IP Wireless), and Northrop Grumman Systems Corporation (Northrop Grumman).

11. On October 18, 2012, in response to the opposition comments of Globalstar and EIBASS, Clearwire proposed a modification of the *BRS/EBS OOBE FNPRM's* proposal. Under Clearwire's suggested approach, the relaxation of the OOBE limits proposed by WCAI would be implemented except for at and below the lower band edge of the 2.5 GHz band at 2496 MHz, where the current OOBE limits applicable to a channel with a lower edge at 2496 MHz would apply to all BRS/EBS channels. Under our existing rules, a mobile broadband device using a 10 megahertz bandwidth channel in the 2496–2506 MHz band (the bottom of the 2.5 GHz band) must have an OOBE attenuation factor below the transmitter power (P) by a factor of 43 + 10 log (P) dB at 2496 MHz (the channel edge), and 55 + 10 log (P) dB at 2490.5 MHz (5.5 megahertz below the channel edge. Under this modified approach, the attenuation factors for mobile broadband devices operating in the 2.5 GHz band would be as follows:

- 40 + 10 log (P) (where (P) is the transmitter power in Watts) dB at the channel edge;
- 43 + 10 log (P) dB beyond 5 megahertz from the channel edges;
- 55 + 10 log (P) dB attenuation factor at a separation of X megahertz from the channel edges, where X is the greater of 6 megahertz or the actual emission bandwidth as defined in § 27.53(m)(6) of the Commission's rules;
- 43 + 10 log (P) dB at 2496 MHz; and
- 55 + 10 log (P) dB at or below 2490.5 MHz.

12. Clearwire also proposed that the Commission modify WCAI's proposal to change the way compliance with the OOBE limits is measured for BRS/EBS mobile digital stations. Under the Commission's current rules, compliance is measured using a resolution bandwidth of 1 megahertz or greater, except in the 1 megahertz bands immediately outside and adjacent to the frequency block, where a resolution bandwidth of at least 1 percent of the transmitter's fundamental emission may be used. In its petition, WCAI had requested that the resolution bandwidth be changed to 2 percent in all portions of the 2.5 GHz band. Clearwire proposed that, except for the 2495–2496 MHz band, in the 1 megahertz bands immediately outside and adjacent to the frequency block under use, a resolution bandwidth of at least 2 percent of the fundamental emission be allowed to measure compliance. In the 2495–2496 MHz band, the existing resolution bandwidth requirement of at least 1 percent would still apply. Globalstar does not object to the modified Clearwire proposals. No other commenting party objected to Clearwire's proposed modification.

III. Discussion

13. We find that the public interest will be served by a modification of the OOBE limits for BRS and EBS mobile broadband devices as proposed in the *BRS/EBS OOBE FNPRM*, with the modifications proposed by Clearwire. The rules adopted by the Commission are slightly different than the rules proposed by Clearwire. The main purpose of the changes we make is to make clear where the OOBE standards apply over a range of frequencies. Specifically, while Clearwire proposes to adopt the 55 + 10 log (P) dB attenuation factor at a distance of X megahertz from the channel edges, the rule applies that factor at X megahertz or more from the channel edges. These changes will produce several benefits for operators and consumers.

14. First, by adjusting our OOBE standards, we can facilitate the use of wider channels, which will result in faster data rates and allow the use of advanced wireless technologies such as LTE-Advanced. Commenters unanimously tout the benefits of wider channels. The record shows that changes to our OOBE standards are necessary to facilitate development of a device ecosystem that would fully take advantage of wider channels in the 2.5 GHz band. To that end, most equipment manufacturers support the proposed changes. While IP Wireless states that it has developed a universal serial bus (USB) stick that can operate with 20 megahertz channels and comply with the existing OOBE requirements, it does not appear, given the state of current technology, that such performance can be cost-effectively replicated with highly mobile, highly integrated, multi-mode, multi-band smartphones. Furthermore, there is a benefit in having a wide variety of equipment manufacturers providing devices that can operate on wider channels.

15. Second, the changes will conform our 2.5 GHz band OOBE limits to the emission mask standards established by 3GPP for 20 megahertz channels. Specifically, the adopted rules will make our OOBE standards consistent with the general OOBE standards adopted by 3GPP for 20 megahertz channels. The 3GPP standards provide for an OOBE power of −10 dBm (−40 dBW), which corresponds to an OOBE attenuation factor of 40 + 10 log (P) dB up to 5 megahertz away from the channel edge, and an OOBE power of −13 dBm (−43 dBW), which corresponds to an OOBE attenuation factor of 43 + 10 log (P) dB up to 20 megahertz away from the channel edge. Adopting internationally harmonized OOBE standards for the 2.5 GHz band will result in several advantages for manufacturers, operators, and consumers. For example, internationally harmonized standards will allow manufacturers to produce equipment that can be used worldwide, lowering their development and production costs, thereby increasing consumer choice and supply and decreasing the cost of mobile broadband devices available for use domestically. In addition, harmonizing the standards will facilitate international roaming by consumers since there will be a consistent set of technical standards that will apply to broadband mobile devices.

16. Third, our action will facilitate the continued development of mobile wireless broadband services in the 2.5 GHz band. These changes will facilitate the use of TDD technologies, since TDD operations use a single wider channel, as opposed to the two narrower channels that are used in FDD operations. Our action will provide operators with additional flexibility to use the 2.5 GHz band more efficiently and more intensively.

17. Fourth, we can change our 2.5 GHz band OOBE rules without materially increasing the potential for harmful interference to other authorized services in bands adjacent to the 2.5 GHz band. In the *BRS/EBS OOBE FNPRM*, the Commission asked whether the proposed OOBE changes would materially increase harmful interference into the adjacent bands, and, if so, whether the Commission should establish a fixed limit on out-of-band emissions below 2495 MHz or above 2690 MHz. In response, Globalstar and EIBASS originally argued that amending the BRS/EBS mobile OOBE rule would greatly increase the probability of harmful interference to Big LEO MSS and BAS operations below 2495 MHz, especially in rural and remote areas. Since that time, however, Clearwire proposed retaining the existing OOBE limits at and below 2496 MHz, which are currently applicable to a channel with a lower edge at 2496 MHz (*e.g.*, Channel BRS1), as band edge limits for all BRS/EBS channels, and Globalstar has stated that it has no objection to that proposal. Retaining the existing Channel BRS1 OOBE limits at and below 2496 MHz for all BRS/EBS channels would also address EIBASS' concerns about increased interference to BAS Channel A9 (2467–2483.5 MHz) because BRS/EBS mobile units will not be allowed to increase OOBE below 2496 MHz. While several parties had expressed concern

that establishing different limits at lower edges of the 2.5 GHz band would negate many of the advantages of allowing wider channels, we agree with Clearwire that the revised OOBE limits that we adopt today will allow licensees to provide enhanced broadband services to their subscribers by operating with wider channels throughout most of the 2.5 GHz band, as well as support international roaming, without materially increasing the potential for harmful interference to other authorized services in adjacent bands.

18. EIBASS also expressed concern about increased interference to BAS Channel A10 (2483.5–2500 MHz). With respect to the 2491–2500 MHz portion of that channel, that portion could, in theory, be subject to increased interference from certain adjacent channel BRS/EBS mobile units' increased OOBE. Under Clearwire's relaxed OOBE parameters, the theoretical increase in potential interference would result because mobile units operating with a 20 megahertz channel at 2511–2531 MHz would only be required to attenuate OOBE by a factor of 43 + 10 log (P) dB above 2491 MHz, while under the current rules, they are required to attenuate OOBE by a factor of 55 + 10 log (P) dB. For mobile units operating with a 20 megahertz channel at 2502–2522 MHz, a theoretical increase in potential interference would result because they would only be required to attenuate OOBE by a factor of 40 + 10 log (P) dB from 2497–2500 MHz, while under the current rules they are required to attenuate OOBE by a factor of 43 + 10 log (P) dB from 2497–2500 MHz. However, we believe the chance of harmful interference to BAS Channel A10 is very low for several reasons. First, we note that BAS Channel A10 is currently subject to OOBE from BRS/EBS base stations, which can operate at higher power than mobile units. Notwithstanding this fact, we are unaware of any allegation or complaint that BRS/EBS operations have caused harmful interference to BAS Channel A10 operations. Second, there are many fewer operations on BAS Channel A10 (56 active licenses) than on any other BAS channel. EIBASS is correct that multiple transmitters can be authorized under a single license. It is nonetheless true that BAS Channel A10 is much more lightly utilized than BAS Channel A9, which has 788 active BAS licenses. BRS/EBS mobile stations are unlikely to be operated in close proximity to BAS receiving antennas, which are typically located on the same or similar structures as TV broadcasting antennas. Third, because the primary use of the 2.5 GHz band is for TDD operations, we believe BRS/EBS operators are unlikely to use channels at or near the lower edge of the 2.5 GHz band in situations where base stations may cause harmful interference to BAS or MSS operations. We therefore conclude that any potential increase in OOBE is highly unlikely to result in harmful interference to the BAS.

19. Under Clearwire's suggested approach, any BRS or EBS channel can operate under the relaxed OOBE limits except at 2496 MHz, where the existing OOBE limits applicable to a channel with a lower edge at 2496 MHz would apply. Under our existing rules, a mobile broadband device with a 10 megahertz bandwidth in the 2496–2506 MHz band (the bottom of the 2.5 GHz band) must have an OOBE attenuation factor below the transmitter power (P) by a factor of 43 + 10 log (P) dB at 2496 MHz (the channel edge), and 55 + 10 log (P) dB at 2490.5 MHz (5.5 megahertz below the channel edge). Under the rules we have adopted, all 2.5 GHz band mobile broadband devices must maintain an OOBE attenuation factor of at least 43 + 10 log (P) dB on all frequencies between 2490.5 MHz and 2496 MHz and 55 + 10 log (P) dB at or below 2490.5 MHz. Thus, under the Commission's actions, the current OOBE limits applicable to a channel with a lower edge at 2496 MHz will apply, *inter alia,* to channel BRS1 and EBS Channels A1 and A2, assuming a channel with a bandwidth of 20 megahertz. By adopting Clearwire's proposed modification, we ensure that Globalstar's operations, BAS operations on channels A9 and A10, and part 90 MS and part 101 FS stations will continue to be protected, that BRS and EBS operators may operate broadband mobile devices at optimal power and with wider channel bandwidths in most of the 2.5 GHz band, and that the 2.5 GHz band will be able to support international roamers.

20. The relaxed OOBE limits for broadband mobile equipment operating in the 2.5 GHz band will not materially increase the potential for harmful interference within the 2.5 GHz band. While we do not casually adopt looser OOBE standards, modest relaxing of our OOBE rules in line with the 3GPP standards is not likely to result in harmful interference to other BRS/EBS stations. Furthermore, as noted above, most operators and equipment manufacturers support the proposed standard. IP Wireless is concerned about the coexistence of multiple unsynchronized TDD systems operating with relaxed OOBE in the same area. As WCAI pointed out, however, the potential for harmful interference among uncoordinated TDD systems or between TDD and FDD systems already exists in the 2.5 GHz band because, in the *BRS/EBS R&O,* the Commission sought to maximize flexibility for licensees in the band by allowing them to use the technology of their choice. Furthermore, WCAI stated that the Commission has provided mechanisms for licensees to resolve documented interference complaints. IP Wireless has not shown that increased OOBE in the 2.5 GHz band will materially change the interference environment for BRS and EBS stations. In addition, IP Wireless has not shown that our existing rules for interference resolution between BRS/EBS licensees, which remain in place, together with coordination practices developed by BRS and EBS operators, are not sufficient to allow licensees to mitigate the potential for harmful interference that could result from increased OOBE in the 2.5 GHz band. Our existing rules and industry practices together will enable BRS and EBS licensees to mitigate any increase in the potential for harmful interference that results from increasing the OOBE limits for BRS/EBS digital mobile transmitters.

21. Northrop Grumman has experienced base-to-base adjacent channel interference, which was resolved by adding supplementary filtering to the relevant base stations. Northrop Grumman expressed concern that as the customer base of the adjacent commercial carrier grows, the potential for commercial broadband mobile devices to interfere with a system for which Northrop Grumman is the systems integrator will increase significantly. We find Northrop Grumman's concerns to be speculative. As WCAI has pointed out, the practical output power limitations of industry transmitter designs for 4G mobile broadband devices mitigate the potential for harmful interference. Moreover, 4G mobile broadband devices using orthogonal frequency-division multiple access (OFDMA) technology will typically not be allocated all available bandwidth while at the same time operating at full transmit power. Motorola Mobility agreed, and argued that interference concerns are merely hypothetical because to maximize battery life and minimize intra-system interference, 4G mobile broadband devices operate under stringent power control. The likelihood of harmful interference actually occurring is very small, Motorola Mobility continues, because typical 4G system design specifications limit the bandwidth that

is typically used at full power, which in turn limits the OOBE.

22. We also adopt Clearwire's proposed changes to the procedures for measuring compliance with the OOBE limits. Revising the resolution bandwidth used for measuring compliance with the OOBE limits will help ensure that our limits are consistent with international standards. Clearwire's proposal was not opposed by any party. Therefore, we will change the rules to specify that, except for the 2495–2496 MHz band, in the 1 megahertz bands immediately outside and adjacent to the frequency block under use, a resolution bandwidth of at least 2 percent of the fundamental emission be allowed to measure compliance. In the 2495–2496 MHz band, the existing resolution bandwidth requirement of at least 1 percent would still apply.

23. With respect to the remaining questions raised in the *BRS/EBS OOBE FNPRM,* the answers to those questions support the rule changes we have adopted. In response to the question of whether the changes would work for channels wider than 20 megahertz, every commenter that addressed the issue supported allowing channels wider than 20 megahertz. Moreover, keeping the existing protections to operations below 2496 MHz will eliminate any impact on adjacent channel licensees. Other than the Clearwire *Ex Parte,* we did not receive any proposals in response to our inquiry whether any additional changes to the OOBE limits applicable to digital mobile stations in the 2.5 GHz band are necessary or desirable.

IV. Procedural Matters

Final Regulatory Flexibility Analysis

24. The Regulatory Flexibility Act (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. As required by the RFA of 1980, we incorporated an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *Fourth Further Notice of Proposed Rule Making* (FNPRM). Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Fifth Report and Order* on small entities. Because we amend the rules in this *Fifth Report and Order,* we have included a FRFA. This present FRFA conforms to the RFA.

Need for, and Objectives of, the Rules

25. In this *Fifth Report and Order,* we relax the OOBE limits for mobile digital devices operating in the BRS and EBS in the 2496–2690 MHz band (2.5 GHz band), which limit the amount of energy that can be radiated outside a licensee's authorized bandwidth, but retain the current OOBE rules for operations at the lower edge of the 2.5 GHz band as band edge limits for all BRS/EBS channels. This change will enable smartphone, tablet computers, and other mobile broadband devices to use wider channel bandwidths, which could potentially allow higher data rates and more efficient use of spectrum. It would also increase the range of applications and devices that can benefit from mobile broadband connectivity, generating a corresponding increase in demand for mobile broadband service from consumers, businesses, public safety entities, health care institutions, educational institutions, and energy companies. The change also harmonizes standards in the equipment market for mobile devices in the 2.5 GHz band, which would make equipment more affordable and further the development of advanced wireless broadband devices. Retaining the current OOBE rules applicable to operations at the lower edge of the 2.5 GHz band for all BRS/EBS channels, however, helps protect co-primary operations in and adjacent to the 2496–2500 MHz portion of the band.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

26. No comments were submitted specifically in response to the IRFA.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

27. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted. The RFA generally defines the term small entity as having the same meaning as the terms small business, small organization, and small governmental jurisdiction. In addition, the term small business has the same meaning as the term small business concern under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Here, we describe the small entities to which the rule will apply.

28. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and wireless cable, transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS). In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years. The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, based on our review of licensing records, we estimate that of the 61 small business BRS auction winners, based on our review of licensing records, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 86 incumbent BRS licensees that are considered small entities (18 incumbent BRS licensees do not meet the small business size standard). After adding the number of small business auction licensees to the number of incumbent licensees not already counted, there are currently approximately 133 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas. The Commission offered three levels of bidding credits: (i) A bidder with attributed average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) received a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (entrepreneur) received a 35 percent

discount on its winning bid. Auction 86 concluded in 2009 with the sale of 61 licenses. Of the ten winning bidders, two bidders that claimed small business status won 4 licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

29. In addition, the SBA's placement of Cable Television Distribution Services in the category of Wired Telecommunications Carriers is applicable to cable-based educational broadcasting services. Since 2007, Wired Telecommunications Carriers have been defined as follows: This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. The SBA has developed a small business size standard for this category, which is 1,500 or fewer employees. Of those 31,996, 1,818 operated with more than 100 employees, and 30,178 operated with fewer than 100 employees. Thus under this category and the associated small business size standard, the majority of such firms can be considered small. In addition to Census data, the Commission's Universal Licensing System indicates that as of July 2013, there are 2,236 active EBS licenses. The Commission estimates that of these 2,236 licenses, the majority are held by non-profit educational institutions and school districts, which are by statute defined as small businesses.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

30. This *Fifth Report and Order* imposes no new reporting or recordkeeping requirements and does not establish other compliance requirements.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

31. The RFA requires an agency to describe the steps it has taken to minimize any significant economic impact on small entities consistent with the stated objectives of applicable statutes. We see no potential burden on small entities that hold BRS or EBS licenses. We believe our action today provides benefits to small businesses that hold BRS and EBS licensees, who would be able to use wider channel bandwidths to provide faster service and use their spectrum more efficiently.

32. The main alternative considered was to adopt the proposed rule changes without maintaining the current level of interference protection to adjacent channel licensees below 2495 MHz. That alternative was rejected because it could have increased the potential for harmful interference to licensees operating below 2495 MHz and because it is possible for licensees in the 2.5 GHz band to get the benefits of wider channel bandwidths in most of the band without changing the out-of-band emission limits that apply below 2495 MHz.

Paperwork Reduction Analysis

33. 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 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).

V. Ordering Clauses

34. Accordingly, it is ordered, pursuant to sections 1, 2, 4(i), 7, 10, 201, 214, 301, 302, 303, 307, 308, 309, 310, 319, 324, 332, 333 and 706 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 157, 160, 201, 214, 301, 302, 303, 307, 308, 309, 310, 319, 324, 332, 333, and 706, that this *Fifth Report and Order* is hereby adopted.

35. It is further ordered pursuant to section 4(i) of the Communications Act of 1934, 47 U.S.C. 154(i), that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Fifth Report and Order,* including the Final Regulatory Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 27

Communications common carriers—radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 27 as follows:

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 1. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307(a), 309, 332, 336, 337, 1403, 1404 and 1451 unless otherwise noted.

■ 2. Amend § 27.53 by revising paragraphs (m)(4) and (m)(6) to read as follows:

§ 27.53 Emission limits.

* * * * *

(m) * * *

(4) For mobile digital stations, the attenuation factor shall be not less than 40 + 10 log (P) dB on all frequencies between the channel edge and 5 megahertz from the channel edge, 43 + 10 log (P) dB on all frequencies between 5 megahertz and X megahertz from the channel edge, and 55 + 10 log (P) dB on all frequencies more than X megahertz from the channel edge, where X is the greater of 6 megahertz or the actual emission bandwidth as defined in paragraph (m)(6) of this section. In addition, the attenuation factor shall not be less that 43 + 10 log (P) dB on all frequencies between 2490.5 MHz and 2496 MHz and 55 + 10 log (P) dB at or below 2490.5 MHz. Mobile Satellite Service licensees operating on frequencies below 2495 MHz may also submit a documented interference complaint against BRS licensees operating on channel BRS Channel 1 on the same terms and conditions as adjacent channel BRS or EBS licensees.

* * * * *

(6) Measurement procedure. Compliance with these rules is based on the use of measurement instrumentation employing a resolution bandwidth of 1 megahertz or greater. However, in the 1 MHz bands immediately outside and adjacent to the frequency block a resolution bandwidth of at least one percent of the emission bandwidth of the fundamental emission of the transmitter may be employed; for mobile digital stations, in the 1 megahertz bands immediately outside and adjacent to the frequency block a resolution bandwidth of at least two percent may be employed, except when the 1 megahertz band is 2495–2496 MHz, in which case a resolution

bandwidth of at least one percent may be employed. A narrower resolution bandwidth is permitted in all cases to improve measurement accuracy provided the measured power is integrated over the full required measurement bandwidth (i.e. 1 megahertz or 1 percent of emission bandwidth, as specified; or 1 megahertz or 2 percent for mobile digital stations, except in the band 2495–2496 MHz). The emission bandwidth is defined as the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, outside of which all emissions are attenuated at least 26 dB below the transmitter power. With respect to television operations, measurements must be made of the separate visual and aural operating powers at sufficiently frequent intervals to ensure compliance with the rules.

* * * * *

[FR Doc. 2014–16616 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[FCC 14–85]

Radio Broadcasting Services; Columbia, Missouri

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of application for review.

SUMMARY: In this document, the Federal Communications Commission ("Commission") grants in part and denies in part the Application for Review filed by the Curators of the University of Missouri ("Petitioner") of the *Memorandum Opinion and Order* of the Media Bureau ("Bureau") in this proceeding, which denied the Petitioner's request to waive the standard for reserving a vacant FM channel for noncommercial educational ("NCE") use. Although the Bureau erred by not giving a "hard look" to the waiver request, the Commission found that a waiver was not warranted.

DATES: July 16, 2014.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order,* FCC 14–85, adopted June 11, 2014, and released June 12, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The complete text of this document may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *www.BCPIWEB.com.*

On March 24, 2004, the Petitioner requested the reservation of vacant Channel 252C2 at Columbia, Missouri, for NCE use. Although its proposal would provide a second NCE service to over 22,000 persons that would comprise about 7 percent of its service area, the Petitioner requested a waiver of § 73.202(a)(1)(ii) because that rule requires that a station provide a first and/or second NCE service to at least ten percent of the population within the 1 mV/m contour of the proposed station that is at least 2,000 persons in order to reserve the channel.

The Bureau initially returned the Petition because it did not meet the ten percent channel reservation threshold and did not otherwise address the Petitioner's waiver request. Upon reconsideration, the Bureau found in the *Memorandum Opinion and Order* that a waiver was not warranted because the proposal fell well below the ten percent standard. *See* 71 FR 34279, June 14, 2006.

On review, the Commission finds that the Bureau failed to give the Petitioner's waiver request the required "hard look" and grants the Application for Review to that extent. However, the Commission finds that a waiver of the reservation standard is not warranted because it is not enough that the number of persons receiving a first or second NCE service exceeds the 2,000 person requirement. Rather, the Commission made clear, in adopting this rule, that the number of persons must constitute ten percent or more of the station's service area. Otherwise, the need for a reserved channel is not great enough.

The Commission also finds that the licensing circumstances that Petitioner faces are not exceptional because 13 other NCE FM stations provide some level of NCE service to the 288,383 persons located within the allotment's predicted service area. Finally, the Commission rejects the Petitioner's argument that the ten percent standard is difficult to satisfy because, out of 129 petitions for the reservation of allotments, the Commission has granted 55. Accordingly, the Commission denies the Application for Review in all other respects.

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of the *Memorandum Opinion and Order* to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the Application for Review was denied.)

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–16755 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 130925836–4174–02]

RIN 0648–XD375

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2014 total allowable catch of Pacific ocean perch in the West Yakutat District of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 13, 2014, through 2400 hours, A.l.t., December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2014 total allowable catch (TAC) of Pacific ocean perch in the West Yakutat District of the GOA is 1,931 metric tons (mt) as established by the final 2014 and 2015 harvest specifications for groundfish of the (79 FR 12890, March 6, 2014).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2014 TAC of Pacific ocean perch in the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,831 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the West Yakutat District of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific ocean perch in the West Yakutat District of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 10, 2014.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 11, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–16715 Filed 7–11–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD379

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian district (WAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2014 total allowable catch (TAC) of Pacific ocean perch in this area allocated to vessels participating in the BSAI trawl limited access fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 11, 2014, through 2400 hrs, A.l.t., December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2014 TAC of Pacific ocean perch, in the WAI, allocated to vessels participating in the BSAI trawl limited access fishery was established as a directed fishing allowance of 171 metric tons by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the WAI by vessels participating in the BSAI trawl limited access fishery.

After the effective dates of this closure, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Pacific ocean perch directed fishery in the WAI for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 9, 2014. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 11, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–16716 Filed 7–11–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 136
Wednesday, July 16, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 429

[Docket No. EERE–2011–BT–CE–0077]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Membership of the Regional Enforcement Working Group

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

ACTION: Notice of membership.

SUMMARY: This notice announces the members of the working group to negotiate regional enforcement regulations of certain energy conservation standards, under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA). The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the enforcement of certain regional energy conservation standards, as authorized by the Energy Policy and Conservation Act of 1975, as amended. The working group consists of representatives of parties having a defined stake in the outcome of the proposed regulations, and will consult as appropriate with a range of experts on technical issues.

DATES: An open meeting will be scheduled at a later date.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, ASRAC Designated Federal Officer, Supervisory Operations Research Analyst, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 950 L'Enfant Plaza SW., Washington, DC 20024. Telephone: (202) 287–1692. Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Membership: The members of the Regional Enforcement Working Group were chosen from nominations submitted in response to the Department of Energy's call for nominations published in the **Federal Register** on June 13, 2014 in 79 FR 33870. The selections are designed to ensure a broad and balanced array of stakeholder interests and expertise on the negotiating working group for the purpose of developing a rule that is legally and economically justified, technically sound, fair to all parties, and in the public interest. All meetings are open to all stakeholders and the public, and participation by all is welcome within boundaries as required by the orderly conduct of business. The members of the Regional Enforcement Group are as follows:

DOE and ASRAC Representatives

- Douglas Rawald, DOE General Counsel
- Scott Harris, ASRAC and Harris, Wiltshire & Grannis LLP
- David Hungerford, ASRAC and California Energy Commission

Other Selected Members

- Timothy Ballo, Earthjustice
- Gary Clark, Goodman Global
- Jordan Doria, Ingersoll Rand
- Ray Ellis, Lincoln Electric Cooperative
- Gary Fernstrom, PG&E
- John Gibbons, Carrier Corporation
- Charlie Harak, National Consumer Law Center
- Glenn Hourahan, Air Conditioning Contractors of America
- Matthew Lattanzi, NORDYNE Inc.
- Karen Meyers, Rheem Manufacturing Company
- Elizabeth Noll, Natural Resources Defense Council
- Gregory Olson, Xcel Energy
- Steve Porter, Johnstone Supply
- Bryan Rocky, Johnson Controls
- Harvey Sachs, American Council for an Energy-Efficient Economy
- Amy Shepherd, Air-Conditioning, Heating, and Refrigeration Institute
- Charles White, Plumbing-Heating-Cooling Contractors—National Association
- Dave Winningham, Allied Air Enterprises, LLC

Docket: The docket is available for review at *www.regulations.gov*, including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

Issued in Washington, DC, on July 8, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2014–16700 Filed 7–15–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 429

[Docket No. EERE–2009–BT–BC–0021]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Membership of the Working Group for Manufactured Housing

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

ACTION: Notice of membership.

SUMMARY: This notice announces the members of the working group to negotiate energy efficiency standards for manufactured housing, under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency of manufactured homes. The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency of manufactured homes, as authorized by section 413 of the Energy Independence and Security Act of 2007 (EISA). The working group consists of representatives of parties having a defined stake in the outcome of the proposed standards, and will consult as appropriate with a range of experts on technical issues.

DATES: An open meeting will be scheduled at a later date.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, ASRAC Designated Federal Officer, Supervisory Operations Research Analyst, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 950 L'Enfant Plaza SW., Washington, DC

20024. Phone: (202) 287–1692 Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Membership: The members of the Manufactured Housing Working Group were chosen from nominations submitted in response to the Department of Energy's call for nominations published in the **Federal Register** on June 13, 2014 in 79 FR 33873. The selections are designed to ensure a broad and balanced array of stakeholder interests and expertise on the negotiating working group for the purpose of developing a rule that is legally and economically justified, technically sound, fair to all parties, and in the public interest. All meetings are open to all stakeholders and the public, and participation by all is welcome within boundaries as required by the orderly conduct of business. The members of the Manufactured Housing Working Group are as follows:

DOE and ASRAC Representatives

- Joseph Hagerman (DOE)
- John Caskey (ASRAC, National Electrical Manufacturers Association)

Other Selected Members

- Bert Kessler, Palm Harbor Homes, Inc.
- David Tompos, NTA, Inc.
- Emanuel Levy, Systems Building Research Alliance
- Eric Lacey, Responsible Energy Codes Alliance
- Ishbel Dickens, National Manufactured Home Owners Association (NMHOA)
- Keith Dennis, National Rural Electric Cooperative Association
- Lois Starkey, Manufactured Housing Institute
- Lowell Ungar, American Council for an Energy-Efficient Economy
- Manuel Santana, Cavco Industries
- Mark Ezzo, Clayton Homes, Inc.
- Mark Weiss, Manufactured Housing Association for Regulatory Reform
- Michael Lubliner, Washington State University Extension Energy Program
- Michael Wade, Cavalier Home Builders
- Peter Schneider, Efficiency Vermont
- Richard Hanger, Housing Technology and Standards
- Richard Potts, Virginia Department of Housing and Community Development
- Rob Luter, Lippert Components, Inc.
- Robin Roy, Natural Resources Defense Council
- Scott Drake, East Kentucky Power Cooperative
- Stacey Epperson, Next Step Network

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

Issued in Washington, DC, on July 8, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2014–16708 Filed 7–15–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–0434; Notice No. 25–14–08–SC]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

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

DATES: Send your comments on or before September 2, 2014.

ADDRESSES: Send comments identified by docket number FAA–2014–0434 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations 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: Alan Sinclair, FAA, Airframe and Cabin Safety Branch, ANM–115 Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2195; facsimile 425–227–1232.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

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

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

Type Certification Basis

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

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

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

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

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

Novel or Unusual Design Features

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

Discussion

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

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

- Aluminum is highly thermally conductive and readily transmits the heat of a fuel-fed external fire to fuel in the tank. This has the benefit of rapidly driving the fuel tank ullage to exceed the upper flammability limit of fuel vapors prior to fuel tank skin burn-through or heating of the wing upper surface above the auto-ignition temperature, thus greatly reducing the threat of fuel tank explosion.
- Aluminum panels at thicknesses previously used in wing lower surfaces of large transport category airplanes have been fire resistant as defined in 14 CFR 1.1 and AC 20–135,

Powerplant Installation and Propulsion System Component Fire Protection Test Methods, Standards, and Criteria

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

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

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

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

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

Applicability

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

Conclusion

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

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Bombardier Aerospace Models BD–500–1A10 and BD–500–1A11 series airplanes.

Composite Wing and Fuel Tank Post-Crash Fire Survivability

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

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

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

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

Issued in Renton, Washington, on June 19, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate.

[FR Doc. 2014–16645 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0448; Directorate Identifier 2013–NM–055–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A300 series airplanes; Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Airbus Model A310 series airplanes. This proposed AD was prompted by a report of early ruptures on the levers of the nose landing gear (NLG) sequence valve. This proposed AD would require a one-time inspection for damage of the landing gear sequence valve levers and pin shearing indicating areas on the NLG and the main landing gears (MLGs); and depending on findings, replacing the sequence valve and lever, or doing a one-time inspection to detect interference between control rods and sequence valves and corrective actions if necessary. We are proposing this AD to detect and correct interference between a landing gear leg and door, which could result in failure of that landing gear to extend and could damage the airplane and injure occupants.

DATES: We must receive comments on this proposed AD by September 2, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2014–0448; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2014–0448; Directorate Identifier 2013–NM–055–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0058, dated March 11, 2013 (referred to after

this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Airbus Model A300 series airplanes; Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Airbus Model A310 series airplanes. The MCAI states:

> Operators have reported five cases of early ruptures on levers of the nose landing gear (NLG) sequence valve.
>
> Analysis showed that these fatigue ruptures were due to an incorrect adjustment of the mechanical links. As the design of the main landing gear (MLG) sequence valve lever is similar, there is sufficient reason to assume that these parts are similarly affected by fatigue.
>
> This condition, if not detected and corrected, could lead to interference between landing gear leg and door and consequent failure of the landing gear to extend, possibly resulting in damage to the aeroplane and injury to occupants.
>
> For the reasons described above, this [EASA] AD requires a one-time inspection of the sequence valve control lever [for damage, which could include cracking or deformation], of the adjustment of the control rod between doors and landing gear sequence valve and depending on inspections results, accomplishment of applicable corrective actions.

The corrective actions include adjusting the control rod between the door and the sequence valves; adjusting mechanical linkages; and replacing/installing a serviceable valve and lever. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0448.

Relevant Service Information

Airbus has issued Service Bulletins:

- A300–32–0464, dated July 17, 2012 (for Model A300 airplanes);
- A300–32–6110, dated July 17, 2012 (for Model A300–600 airplanes); and
- A310–32–2146, dated July 17, 2012 (for Model A310 airplanes).

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

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

"Contacting the Manufacturer" Paragraph in This Proposed AD

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

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

In another NPRM, Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase "its delegated agent" to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the other NPRM, Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), stated the following: "The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin."

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

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

Costs of Compliance

We estimate that this proposed AD affects 128 airplanes of U.S. registry.

We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $43,520, or $340 per product.

In addition, we estimate that any necessary follow-on actions would take up to 9 work-hours and require parts costing up to $42,000, for a cost of $42,765 per product. We have no way of determining the number of aircraft that might need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2014–0448; Directorate Identifier 2013–NM–055–AD.

(a) Comments Due Date

We must receive comments by September 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Airbus Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes.

(3) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by a report of early ruptures on the levers of the nose landing gear (NLG) sequence valve. We are issuing this AD to detect and correct interference between a landing gear leg and door, which could result in failure of that landing gear to extend, and could damage the airplane and injure occupants.

(f) Compliance

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

(g) Service Information

Do the actions required by paragraph (h) of this AD in accordance with the applicable service information identified in paragraphs (g)(1) through (g)(3) of this AD.

(1) For Model A300 airplanes: Airbus Service Bulletin A300–32–0464, dated July 17, 2012.

(2) For Model A300–600 airplanes: Airbus Service Bulletin A300–32–6110, dated July 17, 2012.

(3) For Model A310 airplanes: Airbus Service Bulletin A310–32–2146, dated July 17, 2012.

(h) Inspections and Corrective Actions

Within 4,000 flight cycles, 6,000 flight hours, or 30 months after the effective date of this AD, whichever occurs first: Do a detailed inspection of each sequence valve lever and pin shearing indicating area on the nose landing gear and main landing gears for any damage, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g) of this AD. Do the actions required by paragraphs (h)(1) and (h)(2) of this AD in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g) of this AD.

(1) If damage is found, before further flight, replace the affected sequence valve and its lever with a serviceable sequence valve and lever. No further action is required by paragraph (h) of this AD for that replaced valve and lever.

(2) If no damage is found, within the compliance time required by paragraph (h) of this AD, do a detailed inspection to detect interference between the landing gear door control rod and the landing gear sequence valve, and do all applicable corrective actions. Do all applicable corrective actions before further flight. No further action is required by paragraph (h) of this AD.

(3) For the purposes of this AD, a detailed inspection is: An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.

(i) Parts Installation Limitation

As of the effective date of this AD, no person may install on any airplane a landing gear sequence valve, unless that valve has been inspected and corrected, as applicable, in accordance with the requirements of paragraph (h) of this AD.

(j) 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-*

AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2013–0058, dated March 11, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0448.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 3, 2014.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–16690 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0472; Directorate Identifier 2013–SW–040–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A Helicopters (Type Certificate Currently Held by AgustaWestland S.p.A.) (Agusta)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Agusta Model A109E, A109K2, A119, and AW119 MKII helicopters. This proposed AD was prompted by a report of a crack that was found on a Gleason crown. This proposed AD would require repetitively performing a magnetic particle inspection of the Gleason crown for a crack. We are proposing this AD to detect a crack, which could cause damage to or loss of the main rotor drive and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by September 2, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *rao.edupuganti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2014–0472; Directorate Identifier 2013–SW–040–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2013–0118, dated June 3, 2013, to correct an unsafe condition for Agusta Model A109K2, A109E, A119, and AW119MKII helicopters. EASA advises that during an overhaul of an A119 main transmission, part number (P/N) 109–0400–05–103, a crack on the Gleason crown, P/N 109–0403–07–103, was found. EASA further states that an investigation by Agusta revealed that the crack originated from the bottom of one of the 40 threaded holes in the Gleason crown, and that this part-numbered Gleason crown is also installed on Model A109 helicopters. EASA states that this condition, if not corrected, could cause damage to or loss of the main rotor drive and loss of control of the helicopter. To correct this unsafe condition, EASA AD No. 2013–0118 requires repetitive magnetic particle inspections of the Gleason crown and, if there is a crack, replacing the Gleason crown with a different part-numbered Gleason crown. EASA AD No. 2013–0118 also prohibits installing a Gleason crown, P/N 109–0403–07–103, or a Gleason crown assembly, P/N 109–0401–27–101 or P/N 109–0401–27–109, on any helicopter, as Gleason crown, P/N 109–0403–07–103, is a component of these assemblies.

Relevant Service Information

We reviewed Agusta Bollettino Tecnico (BT) No. 109EP–128 for Model A109E helicopters, Agusta BT No. 109K–57 for Model A109K2 helicopters, and Agusta BT No. 119–058 for Model

A119 and AW119MKII helicopters, each Revision A and dated May 28, 2013. Each BT describes procedures for performing a magnetic particle inspection on the Gleason crown, P/N 109–0403–07–103, for a crack. If there is a crack, each BT specifies replacing the Gleason crown assembly with a Gleason crown assembly, P/N 109–0401–27–107.

We also reviewed Agusta BT No. 109EP–126 for Model A109E helicopters, Agusta BT No. 109K–56 for Model A109K2 helicopters, and Agusta BT No. 119–053 for Model A119 and AW119MKII helicopters, each dated December 20, 2012. These BTs contain procedures for upgrading the transmission system by replacing the Gleason crown assembly with a Gleason crown assembly, P/N 109–0401–27–107.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would require, for helicopters with a main transmission, P/N 109–0400–03–109, with 2,400 or more hours time-in-service (TIS), performing a magnetic particle inspection of the Gleason crown, P/N 109–0403–07–103, within 200 hours TIS, and thereafter at intervals not exceeding 1,600 hours TIS. If there is a crack, this proposed AD would require replacing the Gleason crown assembly with a different part-numbered assembly before further flight. The proposed AD would also prohibit installing on any helicopter a Gleason crown, P/N 109–0403–07–103, or a Gleason crown assembly, P/N 109–0401–27–101 or P/N 109–0401–27–109.

Differences Between This Proposed AD and the EASA AD

This proposed AD requires compliance within 200 hours TIS for main transmissions with 2,400 or more hours. The EASA AD requires different compliance times, depending on the number of flight hours the transmission has accumulated.

Costs of Compliance

We estimate that this proposed AD affects 218 helicopters of U.S. registry. We estimate the following costs to comply with this proposed AD. At an average labor rate of $85 per hour, magnetic particle inspecting the Gleason crown would require about 24 work-hours, for an estimated cost per helicopter of $2,040, and a total cost of $444,720 for the U.S. fleet, per inspection cycle.

If required, replacing the Gleason crown assembly would require about 24 work-hours, and required parts would cost $29,000, for a cost per helicopter of $31,040.

According to the manufacturer, some of the costs of this proposed 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Agusta S.p.A Helicopters (Type Certificate Currently Held By AgustaWestland S.p.A.) (Agusta): Docket No. FAA–2014–0472; Directorate Identifier 2013–SW–040–AD.

(a) Comments Due Date

We must receive comments by September 2, 2014.

(b) Applicability

This AD applies to Agusta Model A109E, A109K2, A119, and AW119 MKII helicopters with a main transmission part number (P/N) 109–0400–03–103, 109–0400–05–103, and 109–0400–03–109, with a Gleason crown P/N 109–0403–07–103 installed, certificated in any category.

(c) Unsafe Condition

This AD defines the unsafe condition as a crack in a Gleason crown. This condition could cause damage to or loss of the main rotor drive and subsequent loss of control of the helicopter.

(d) Compliance

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

(e) Required Actions

(1) For main transmissions with 2,400 or more hours time-in-service (TIS), within 200 hours TIS and thereafter at intervals not exceeding 1,600 hours TIS, magnetic particle inspect the Gleason crown, P/N 109–0403–07–103, for a crack by following the procedures in:

(i) Annex 1 of Agusta Bollettino Tecnico (BT) No. 109EP–128, Revision A, dated May 28, 2013, for Model A109E helicopters;

(ii) Annex 1 of Agusta BT No. 109K–57, Revision A, dated May 28, 2013, for Model A109K2 helicopters; or

(iii) Annex 1 of Agusta BT No. 119–058, Revision A, dated May 28, 2013, for Model A119 and AW119MKII helicopters.

(2) If there is a crack, before further flight, replace the Gleason crown assembly with a Gleason Crown assembly, P/N 109–0401–27–107. Replacing the Gleason crown assembly

with P/N 109–0401–27–107 is terminating action for the inspection requirements of this AD.

(3) After the effective date of this AD, do not install a Gleason crown, P/N 109–0403–07–103, or a Gleason crown assembly, P/N 109–0401–27–101 or P/N 109–0401–27–109, on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, 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 (g) of this AD.

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

(g) Related Information

(1) For more information about this AD, contact Rao Edupuganti, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *rao.edupuganti@faa.gov.*

(2) For service information identified in this proposed AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(3) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2013–0118, dated June 3, 2013. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0472.

(h) Subject

Joint Aircraft System Component Code: 6320: Main Rotor Gearbox.

Issued in Fort Worth, Texas, on July 9, 2014.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–16683 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0465; Directorate Identifier 2013–SW–044–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters (Type Certificate Currently Held by AgustaWestland S.p.A.) (Agusta)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Agusta AB139 and AW139 helicopters to require replacing certain single-braided flexible hydraulic hoses with double-braided flexible hydraulic hoses. This proposed AD is prompted by occurrences of leaking flexible hydraulic hoses. The proposed actions are intended to prevent loss of hydraulic power and subsequent loss of helicopter control.

DATES: We must receive comments on this proposed AD by September 15, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* 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 proposed AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt. For service information identified in this proposed AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39- 0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2013–0177, dated August 8, 2013, to correct an unsafe condition for Agusta Model AB139 and AW139 helicopters. EASA advises that leaking hydraulic system flexible hoses have been reported on in-service helicopters. An investigation indicated that single braided flexible hydraulic hoses, which are part of the

original design for Model AB139 and AW139 helicopters, may not be strong enough to cope with the hydraulic system pressure over long periods. If not corrected, this condition could lead to other hydraulic system leaks, possibly resulting in loss of hydraulic power and reduced control of the helicopter, EASA advises. EASA consequently requires that the flexible single-braided hydraulic hoses be replaced with flexible double-braided hydraulic hoses.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

AgustaWestland Bolletino Tecnico No. 139–307, dated June 19, 2013 (BT), calls for replacing certain single braided flexible hydraulic hoses with double braided flexible hydraulic hoses for Model AB139 and AW139 helicopters. The BT states that the replacement should be conducted within 300 flight hours or six months from receipt of the BT, whichever comes first, to prevent in-service leaks.

Proposed AD Requirements

This proposed AD would require, within 300 hours time-in-service (TIS), replacing the flexible single-braided hydraulic hose with a flexible double-braided hydraulic hose. The AD would also prohibit installing the single-braided flexible hydraulic hose on any helicopter.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires replacing the flexible single-braided hydraulic hoses within 300 flight hours or 6 months, whichever occurs first. This proposed AD requires that the flexible single-braided hydraulic hoses be replaced within 300 hours TIS. TIS and flight hours are synonymous.

Costs of Compliance

We estimate that this proposed AD would affect 115 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect that replacing the flexible single-braided hydraulic hoses with flexible double-braided hydraulic flexible hoses would require 6 work-hours for a labor cost of $510. Parts would cost $3,089 for a total cost of $3,599 per helicopter, and $413,885 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Agusta S.p.A. (Type certificate currently held by AgustaWestland S.p.A.) (Agusta) Helicopters: Docket No. FAA–2014–0465; Directorate Identifier 2013–SW–044–AD.

(a) Applicability

This AD applies to Agusta Model AB139 and AW139 helicopters with a flexible hydraulic hose, part number (P/N) A494AE2E00E0670X, A494AE3E00E0424X, A494AE3E00E0530X, A494AE3E00E0570X, A494AE3E00E0580X, A494AE3E00E0620X, A494AE3E00E0930X, A494AE6E14E0348X, or A494AE6E21E0330X, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a leak in a hydraulic system flexible hose. This condition could result in loss of hydraulic power and subsequent loss of helicopter control.

(c) Comments Due Date

We must receive comments by September 15, 2014.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 300 hours time-in-service, replace each flexible hydraulic hose with a double braided flexible hydraulic hose in the accordance with the Compliance Instructions, Part I, paragraphs 5 through 7; Part II, paragraphs 5 through 7; Part III, paragraphs 5 through 6; Part IV, paragraphs 5 through 6; and Part V, paragraphs 5 through 7; as applicable for your helicopter serial number and configuration, of AgustaWestland Bolletino Tecnico No. 139–307, dated June 19, 2013.

(2) Do not install a flexible hydraulic hose, P/N A494AE2E00E0670X, A494AE3E00E0424X, A494AE3E00E0530X, A494AE3E00E0570X, A494AE3E00E0580X, A494AE3E00E0620X, A494AE3E00E0930X, A494AE6E14E0348X, or A494AE6E21E0330X, on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

The subject of this AD is addressed in the European Aviation Safety Agency (EASA) AD No. 2013–0177, dated August 8, 2013. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0465.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2910, Hydraulic System, Main.

Issued in Fort Worth, Texas, on July 8, 2014.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–16681 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0464; Directorate Identifier 2014–SW–002–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2013–18–01 for Eurocopter France Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS–365–N3, and SA–366G1 helicopters. AD 2013–18–01 currently requires inspecting the collective pitch lever for correct locking and unlocking conditions. As published, AD 2013–18–01 contains certain errors. This proposed AD would retain the requirements of AD 2013–18–01, correct these errors, and update the type certificate holder's name. The proposed actions are intended to detect an incorrectly adjusted collective pitch lever, which could result in loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by September 15, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* 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 proposed AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On August 21, 2013, we issued AD 2013–18–01, amendment 39–17574 (78 FR 56599, September 13, 2013) for Eurocopter France Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, except helicopters with modification (MOD) 0767B5 installed. AD 2013–18–01 requires inspecting the collective pitch lever for correct unlocking with a spring scale, and if required, adjusting the collective pitch lever restraining tab and, for certain models, adjusting the collective link rods. AD 2013–18–01 also requires inspecting the collective pitch lever for the risk of inadvertent locking by measuring the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab, and if required, modifying the tab with a slight bend to the tab.

AD 2013–18–01 was prompted by AD No. 2011–0154, dated August 22, 2011, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2011–0154 to correct an unsafe condition for Eurocopter Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. EASA advises that two occurrences have been reported of inadvertent locking and unlocking of the collective pitch lever. One inadvertent collective pitch lever locking occurred when moving the collective pitch lever to the low-pitch position, and one inadvertent collective pitch lever unlocking occurred during

engine start. To address this unsafe condition, Eurocopter issued AS 365 Alert Telex No. 67.00.10, SA 366 Alert Telex No. 67.05, and EC 155 Alert Telex No. 67A007, which describe procedures to inspect the collective pitch lever for correct locking and unlocking conditions. This inspection was mandated by Direction Générale de l'Aviation Civile (DGAC) France AD No. F–2005–127, dated July 20, 2005. DGAC subsequently revised its AD, No. F–2005–127 R1, dated February 1, 2006 (DGAC AD F–2005–127 R1), after Eurocopter issued Alert Service Bulletins containing the same inspection procedures and bearing the same numbers as the Alert Telexes. Since the issuance of DGAC AD F–2005–127 R1 Eurocopter developed an assembly comprised of a blade, a hinge, and a return spring to replace the flexible collective lever locking blade as terminating action for the inspection required by the AD. EASA then issued AD No. 2011–0154, which superseded DGAC AD F–2005–127 R1, retaining the inspection procedures for the collective pitch lever and removing from the applicability helicopters with the hinged, spring-loaded collective lever locking blade installed, designated as MOD 0767B65.

As published, the AD number after the amendatory language section of AD 2013–18–01 is incorrect. The AD number was published as "2013–18–11." The MOD number in paragraph (a), Applicability, of the AD is incorrect. The correct MOD number is 0767B65. Also, since we issued AD 2013–18–01, the type certificate holder's name for the affected models has changed from Eurocopter France to Airbus Helicopters. No other part of the regulatory information would be changed.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

We reviewed Eurocopter (now Airbus Helicopters) Alert Service Bulletin (ASB) No. 67.00.10 for Model AS365 helicopters, ASB No. 67.05 for Model SA366 helicopters, and ASB No. 67A007 for Model EC155 helicopters. All three ASBs are Revision 1 and are dated February 25, 2009. These ASBs describe procedures for inspecting and adjusting the collective pitch lever for correct locking and unlocking conditions.

Eurocopter has also issued ASB No. 67.00.12, Revision 0, dated February 25, 2009, for Model AS365 helicopters; ASB No. 67.07, Revision 0, dated February 25, 2009, for Model AS366 helicopters; and ASB No. 67–009, Revision 1, dated July 19, 2010, for Model EC 155 helicopters. These ASBs contain the procedures for MOD 0767B65.

Proposed AD Requirements

This proposed AD would retain all of the inspection and adjustment requirements of AD 2013–18–01. It would also would correct the AD number after the amendatory language, correct the MOD number in paragraph (a), and reflect the current type certificate holder's name and contact information.

Costs of Compliance

We estimate that this proposed AD would affect 32 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this proposed AD. Inspecting and adjusting the collective pitch lever would require about 1 work hour at an average labor rate of $85 per hour, for a total cost per helicopter of $85 and a cost to U.S. operators of $2,720.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2013–18–01, Amendment 39–17574 (78 FR 56599, September 13, 2013), and adding the following new AD:

Airbus Helicopters (Previously Eurocopter France): Docket No. FAA–2014–0464; Directorate Identifier 2014–SW–002–AD.

(a) Applicability

This AD applies to Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, except helicopters with modification (MOD) 0767B65 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as inadvertent locking and unlocking of the collective pitch lever, which could result in subsequent loss of control of the helicopter.

(c) Affected AD

This AD supersedes AD 2013–18–01, Amendment 39–17574 (78 FR 56599, September 13, 2013).

(d) Comments Due Date

We must receive comments by September 15, 2014.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

Within 50 hours time-in-service:

(1) For Model EC155B and EC155B1 helicopters:

(i) Lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter Alert Service Bulletin (ASB) No. 67A007, Revision 1, dated February 25, 2009 (ASB 67A007).

(ii) If the collective pitch lever unlocks at a load less than 11 deca Newtons (daN) (24.7 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes.

(iii) Set the collective pitch lever to the "low pitch" position and hold it in this position, without forcing it downwards.

(iv) Measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the
L-section of the restraining tab (F) as depicted in Figure 1, Detail A of ASB 67A007.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 millimeters (mm), before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K of ASB 67A007.

(2) For Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters:

(i) Completely loosen the friction, lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter ASB No. 67.00.10, Revision 1, dated February 25, 2009 (ASB 67.00.10).

(ii) If the collective pitch lever unlocks at a load less than 5 daN (11.3 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes and adjust the collective link rods as described in the Accomplishment Instructions, paragraph 2.B.4., of ASB 67.00.10.

(iii) Set the collective pitch lever to the "low pitch" position and hold it in this position, without forcing it downwards.

(iv) Tighten the friction lock and measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the L-section of the restraining tab (F) as depicted in Figure 1, Detail A of ASB 67.00.10.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 mm, before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K, of ASB 67.00.10.

(3) For Model SA–366G1 helicopters:

(i) Completely loosen the friction, lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter ASB No. 67.05, Revision 1, dated February 25, 2009 (ASB 67.05).

(ii) If the collective pitch lever unlocks at a load less than 5 daN (11.3 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes and adjust the collective link rods as described in the Accomplishment Instructions, paragraph 2.B.4., of ASB 67.05.

(iii) Set the collective pitch lever to the "low pitch" position and hold it in this position, without forcing it downwards.

(iv) Tighten the friction lock and measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the L-section of the restraining tab (F) as depicted in Figure 1, Detail A, of ASB 67.05.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 mm, before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K, of ASB 67.05.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Eurocopter Alert Service Bulletin (ASB) No. 67.00.12, Revision 0, dated February 25, 2009; ASB No. 67.07, Revision 0, dated February 25, 2009; and ASB No. 67–009, Revision 1, dated July 19, 2010, which are not incorporated by reference, contain additional information about this AD. For service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2011–0154, dated August 22, 2011. You may view the EASA AD in the AD Docket on the internet at *http://www.regulations.gov.*

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6710: Main Rotor Control.

Issued in Fort Worth, Texas, on July 8, 2014.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–16682 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

United States Mint

31 CFR Part 100

Redemption Rates and Procedures

AGENCY: United States Mint, Treasury.

ACTION: Notice of proposed rulemaking with request for comment.

SUMMARY: The United States Mint proposes to amend Treasury regulations relating to the exchange of uncurrent, bent, partial, fused, and mixed coins. The proposed amendments aim to update redemption rates and procedures, as well as to resolve an apparent contradiction in the current regulation.

DATES: Comments on the proposed rule must be received by September 15, 2014.

ADDRESSES: The United States Mint invites comments on all aspects of this proposed rule. In accordance with the eRulemaking Initiative, the Department of the Treasury publishes rulemaking information on *www.regulations.gov.* Regulations.gov offers the public the ability to comment on, search, and view publicly available rulemaking materials, including comments received on rules.

Comments on this rule must be submitted using only the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions on the Web site for submitting comments.
- *Mail:* United States Mint; Office of Chief Counsel; 801 9th Street NW.; Washington, DC 20220.
- *Hand Delivery/Courier:* Same as mail address.

FOR FURTHER INFORMATION CONTACT: Daniel P. Shaver, Chief Counsel, Office of Chief Counsel, United States Mint, at

(202) 354–7600 or *dshaver@usmint.treas.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Treasury Regulations appearing at 31 CFR part 100, subpart C, are promulgated under 31 U.S.C. 5120, and provide for the exchange of uncurrent, bent, partial, fused, and mixed coins. The last amendment to 31 CFR part 100, was on August 23, 1999 (64 FR 39919, July 23, 1999). Since then, the United States Mint has identified portions of the regulation in need of revision to update redemption rates and procedures, and to resolve an apparent contradiction in the regulation. In accordance with Executive Order 13563, appearing at 76 FR 3821 (January 21, 2011), the United States Mint proposes to amend the regulation to improve its consistency and accuracy.

The first category of proposed significant amendments relates to the redemption rates for uncurrent coins (31 CFR 100.10) and bent and partial coins (31 CFR 100.11) that have been withdrawn from circulation. For uncurrent coins, the proposed rule clarifies the procedure for redemption by instructing the public to deposit the uncurrent coins with a financial institution that will accept them, or with a depository institution that has a direct relationship with a Federal Reserve Bank. The proposed amendment also makes clear that a Federal Reserve Bank will redeem uncurrent coins based on the policies described in the Federal Reserve's Operating Circular 2.

For redemption of bent and partial coins, the proposed rule updates the redemption rates of certain coins to reflect current values and compositions of coins being redeemed. For example, in the current regulation, the rate for one-cent coins is $1.4585 per pound; this rate was derived from the weight of brass one-cent coins (3.11 grams or 0.1097 ounces each), which the United States Mint has not minted and issued since 1982. The weight of the current copper-plated zinc one-cent coins (2.50 grams or 0.0882 ounces each), however, makes their redemption rate $1.8100 per pound. The proposed rule revises the redemption rate for unmixed quantities of these copper-plated zinc one-cent coins.

The second category of proposed amendments resolves an apparent contradiction in the existing regulation. As currently drafted, 31 CFR 100.12(b) states, "The United States Mint will not accept fused or mixed coins for redemption." 31 CFR 100.12(d), however, states, "Fused and mixed coins will be redeemed only at the United States Mint, P.O. Box 400, Philadelphia, PA 19105." The issue of whether the United States Mint should accept fused and mixed coins for redemption was the subject of the 1999 amendment to 31 CFR part 100. At that time, the United States Mint notified the public, at 64 FR 4063 (January 27, 1999), of its intention to discontinue acceptance of fused and mixed coins for redemption because the bureau ordinarily cannot reliably ascertain the value of, nor use mechanical methods of destruction or reclamation on, deliveries containing coins of mixed alloy categories. To resolve this apparent contradiction and clarify the intended meaning of the 1999 amendment, which became effective on August 23, 1999, the United States Mint proposes to amend 31 CFR 100.12 to eliminate any suggestion that the bureau will accept fused or mixed coins for redemption.

II. Procedural Analysis

Regulatory Planning and Review

The proposed rule does not meet the criteria for a "significant regulatory action" as defined in Executive Order 12866.

Regulatory Flexibility Act Analysis

It is hereby certified that the proposed rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. Although the United States Mint does not maintain records that consistently indicate the business or personal nature of the transactions conducted by individuals or entities tendering coins for redemption, the majority of coins presented for redemption were submitted by individuals transacting with the United States Mint in their own names. Even if each such individual were a "small entity" within the meaning of 5 U.S.C. 604(a), the United States Mint does not believe that the quantity of coin redemption transactions indicates that the proposed amendment will have a significant economic impact on a substantial number of small entities.

III. Request for Comment

Before the proposed amendments to the Treasury Regulations at 31 CFR part 100, subpart C, are adopted as final regulations, the United States Mint will consider any comments that are submitted timely to the bureau as prescribed in this preamble under the **ADDRESSES** heading. The United States Mint and the Department of the Treasury request comments on all aspects of the proposed amendments.

IV. Words of Issuance

For the reasons set forth in the preamble, the United States Mint proposes to amend 31 CFR part 100 substantially as follows:

PART 100—EXCHANGE OF PAPER CURRENCY AND COIN

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 31 U.S.C. 321.

Subpart C—Exchange of Coin

■ 2. In § 100.10, revise paragraphs (b), (c) and (d) to read as follows:

§ 100.10 Exchange of uncurrent coins.

* * * * *

(b) *Redemption basis.* Members of the public wishing to redeem uncurrent coins must deposit the uncurrent coins with a bank or other financial institution that will accept them, or with a depository institution that has established a direct customer relationship with a Federal Reserve Bank. A Federal Reserve Bank will redeem uncurrent coins, based on the policies described in the Federal Reserve's Operating Circular 2.

(c) *Criteria for acceptance.* Depository institutions that redeem uncurrent coins must sort the coins by denomination into packages in accordance with the Federal Reserve's Operating Circular 2. The Federal Reserve Banks reserve the right to reject any shipment containing objects that are not U.S. coins or any contaminant that could render them unsuitable for coinage metal.

(d) *Redemption sites.* The Federal Reserve Banks and branches listed in § 100.17 are the only authorized redemption sites at which a depository institution that has established a direct customer relationship with a Federal Reserve Bank may redeem uncurrent coins.

■ 3. In § 100.11, revise paragraphs (b) and (c) and add paragraph (d) to read as follows:

§ 100.11 Exchange of bent and partial coins.

* * * * *

(b) *Redemption basis*—(1) *Generally.* Persons wanting to redeem bent or partial coins shall separate them by denomination in lots of at least one pound for each denomination. The United States Mint will redeem bent and partial coins on the basis of their weight and denomination at the following rates:

(A) One-Cent Coins: $1.4585 per pound.

(B) 5-Cent Coins: $4.5359 per pound.

(C) Dime, Quarter-Dollar, and Half-Dollar Coins: $20.00 per pound.

(D) $1 Coins: $56.00 per pound.

(2) *Exceptions.* (A) The United States Mint will redeem copper-plated zinc one-cent coins (one-cent coins inscribed with a year after 1982) at the face-value equivalent of brass one-cent coins (generally, one-cent coins inscribed with a year before 1983) unless the copper-plated zinc one-cent coins are presented unmixed. The United States Mint will redeem unmixed copper-plated zinc one-cent coins at $1.8100 per pound.

(B) The United States Mint will redeem unmixed $1 coins inscribed with a year before 1979 at $20.00 per pound.

(c) *Criteria for acceptance.* Persons wanting to redeem bent and partial coins must sort the coins by denomination into packages of not less than one pound each and ship the packaged coins, at the person's expense and risk of loss, to the authorized redemption site. The United States Mint reserves the right to reject any shipment containing objects that are not U.S. coins or any contaminant that could render them unsuitable for coinage metal.

(d) *Redemption site.* The United States Mint at Philadelphia, P.O. Box 400, Philadelphia, PA 19105, is the only authorized redemption site for bent and partial coins.

■ 4. In § 100.12, remove paragraphs (c) and (d).

Dated: July 2, 2014.

Beverly Ortega Babers,

Chief Administrative Officer, United States Mint.

[FR Doc. 2014–16035 Filed 7–15–14; 8:45 am]

BILLING CODE P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2014–04]

Changes to Recordation Practices

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Copyright Office is proposing to amend its regulations for the recordation of copyright transfers and other documents. The proposed rule is intended to reduce the amount of time the Office requires to process certain types of documents submitted for recordation and help to alleviate remitter concerns regarding the receipt of documents for processing. To these ends, the Office is proposing to amend the regulations to encourage remitters to include a cover sheet with the documents they submit for processing; allow remitters to submit long title lists in electronic format; and provide remitters with the option to request return receipts that acknowledge that the Office has received a submission. The Office invites public comment on the proposed rule.

DATES: Written comments are due on or before August 15, 2014, at 11:59 p.m.

ADDRESSES: All comments shall be submitted electronically. A comment submission page is posted on the Copyright Office Web site at *http://www.copyright.gov/rulemaking/recordation-practices.* The Web site interface requires commenting parties to complete a form specifying their name and organization, as applicable, and to upload comments as an attachment via a browser button. To meet accessibility standards, commenting parties must upload comments in a single file not to exceed six megabytes (MB) in one of the following formats: a Portable Document File (PDF) format that contains searchable, accessible text (not an image); Microsoft Word; WordPerfect; Rich Text Format (RTF); or ASCII text file format (not a scanned document). The maximum file size is 6 megabytes. The form and face of the comments must include both the name of the submitter and organization. The Office will post the comments publicly on the Office's Web site in the form that they are received, along with associated names and organizations. If electronic submission of comments is not feasible, please contact the Office at 202–707–8350 for special instructions.

FOR FURTHER INFORMATION CONTACT: Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, by email at *jcharlesworth@loc.gov* or by telephone at 202–707–8350; or Sy Damle, Special Advisor to the General Counsel, by email at *sdam@loc.gov*, or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

Since 1870, the Copyright Office has recorded documents pertaining to works under copyright, such as assignments, licenses, and grants of security interests. The process of recordation entails (1) receiving copyright-related documents from remitters for recordation; (2) reviewing the documents to ensure they are eligible for recordation; (3) indexing information contained in the documents for the public record; (4) making copies of the documents so they are available for public inspection; and (5) returning documents marked as recorded to remitters. Congress has encouraged the submission of documents for recordation by providing certain legal entitlements as a consequence of recordation. For instance, recordation provides constructive notice of the facts stated in the recorded document when certain conditions are met. *See* 17 U.S.C. 205(c). In addition, recordation is a condition for the legal effectiveness of notices of terminations of transfer. *See id.* 203(a)(4)(A). Thus, the Office has an important interest in ensuring that the public record of copyright transactions is as timely, complete, and as accurate as possible.

II. Discussion

Over the past several years, the Copyright Office has sought public input on technological upgrades to the recordation function. *See* 78 FR 17722 (Mar. 22, 2013); 79 FR 2696 (Jan. 15, 2014). In addition to seeking written comments, the Office has held focused discussions with copyright owners, users of copyright records, technical experts, public interest organizations, lawyers, and professional and industry associations regarding the same. *See* 79 FR 6636 (Feb. 4, 2014). Participants in these processes have expressed a number of concerns about the current recordation system, including frustration with the submission process, the amount of time the Office requires to record remitted documents, and the searchability of the public record. These problems are related in part to the fact that recordation remains a paper-driven process (in contrast to most registration transactions, which occur electronically).[1]

In response to these concerns, the Office is currently developing a strategic plan for the improvement of both recordation services and the quality of resulting information provided to the public. *See* 79 FR 2696 (Jan. 15, 2014).[2]

[1] For further information, see the comments obtained during the Copyright Office's two-year Special Projects process, particularly the Special Project on Technical Upgrades to Registration and Recordation Functions. Comments pertaining to the Special Project on Technological Upgrades to Registration and Recordation Functions are available on the Copyright Office Web site at *http://www.copyright.gov//_upgrades/.*

[2] For further information, see the comments pertaining to the Copyright Office's Strategic Plan for Recordation of Documents. These comments are available on the Copyright Office Web site at *http://www.copyright.gov/docs/recordation/.*

The Office recognizes that, as it continues to develop its strategy for modernizing and improving recordation services via a comprehensive reengineering, there could nonetheless be immediate benefits if certain process changes were made within the existing regime. To this end, the proposed rules implement targeted amendments that are designed to speed the processing of remitted documents under the current system and alleviate concerns regarding the Office's receipt of submissions.

1. Forms

The first change to the Copyright Office's regulations set forth in this proposed rule is purely administrative. The Office currently provides an optional Recordation Document Cover Sheet (Form DCS) to assist with processing. *See* 37 CFR 204.1(b).[3] Remitters using Form DCS are instructed to include two copies of the form with their document submissions. If the Office receives Form DCS with a submission, the form becomes part of the public record and is associated with the recorded document. The Office also returns a copy of the form to the remitter at the completion of the recordation process along with the corresponding recorded document and certificate of recordation. The returned Form DCS serves as a summary of the newly created record and helps facilitate better recordkeeping and communication between the Office and remitters.[4] Form DCS also contains an acceptable certification statement that may be used to satisfy the sworn certification requirement when applicable. *See* 17 U.S.C. 205(a); 37 CFR 201.4(a)(3)(i). Though the form would still not be a requirement for recordation itself, the Office has proposed amending its regulations to reflect the fact that Form DCS may be included with remitters' submissions, and must be included if the remitter wants a return receipt. Form DCS will be amended to conform to the new procedures proposed here (*e.g.*, by adding a checkbox to allow a remitter to indicate that it is requesting a return receipt, as described below).

[3] The optional Recordation Document Cover Sheet (Form DCS) is available on the Copyright Office Web site at *http://www.copyright.gov/forms/*.

[4] For example, the returned Form DCS will generally include the volume and document number of the newly created record, a date of recordation, and a code that links the record to applicable filing fees.

2. Electronic Submission of Title Appendices

Currently, recordation specialists must review paper documents and manually transcribe selected information from the documents into an electronic format to permit indexing in the Office's Public Catalog database. Among the information that must be transcribed are the titles of copyrighted works associated with the document submitted for recordation, which are typically presented in a list appended to the document, referred to informally as a "title appendix." A title appendix associated with a document can include hundreds, or even thousands, of titles. At present, long processing times associated with document recordation stem in large part from manual entry of these titles.

To speed processing and clear the current backlog of large title entries, the Office proposes a rule to permit (but not require) the submission of title appendices in electronic format, in addition to paper format, where the total titles in a submission number 100 or more. This includes the situation where multiple title lists associated with a document contain, in the aggregate, 100 or more titles. The proposed electronic title submission rule will be added to subsection 201.4(c), which will be retitled "Document submission contents and process."

Under the proposed rule, the list of titles set forth in the paper submission must be submitted in a table in Excel (.xls) format, or an equivalent electronic format approved by the Office. The electronic entries may only contain letters, numbers, and printable characters that appear in the ASCII 128-character set. Each table must contain four columns respectively entitled Article, Title, Authorship Information, and Registration Number(s). Each title and its corresponding information must appear in a separate row of the electronic table:

Article: If the title begins with one of a specified list of articles, the article should be separated from the title and placed in this first column. Separating out these leading articles from the rest of the title assists with the sorting function of the Public Catalog. The following articles are to be separated:

In English: A, An, The
In Spanish: Un, Una, El, La, Lo, Las, Los
In French: L' (as in "L'Ecole"), Le, La, Les, Un, Une
In German: Der, Die, Das, Einer, Eine, Ein

For example, if the title of the work is "A Hard Day's Night," the Article field should have the word "A"; similarly, if the title of the work is "The Fly," this field should have the word "The." If the title does not begin with an article identified above, the column should be included and this field should remain blank. Note that the words "These," "Those," "Some," and "Any" are not considered articles and are not to be separated. In addition, the proposed rule does not require that remitters separate out articles in languages other than the ones listed.

Title: This second column should set forth the title of the work, not including any leading article (which, as explained above, should be placed in the Article column). For example, if the title of the work is "A Hard Day's Night," the Title field should have the remainder of the title, "Hard Day's Night"; the Title field for "The Fly," should have the remainder of the title, "Fly."

Authorship Information: This third column should include the word "By" followed by the name of the author or authors of the work, *e.g.*, "By John Lennon and Paul McCartney," or "By Paul Hewson, Dave Evans, Adam Clayton, and Larry Mullen". If the author's name includes a designation such as "performer known as" or "also known as," this designation should be included in the Authorship Information field. If using the abbreviated form of such a designation, the abbreviation should be included without punctuation between the letters. For example, "By Ella Yelich-O'Connor pka Lorde" (but not "By Ella Yelich-O'Connor p/k/a Lorde").

Registration Number(s): The fourth column should set forth the copyright registration number or numbers associated with the work if the remitter chooses to supply them. While this field is optional, the column should be included and the field left blank even if registration numbers are not supplied. Registration numbers included in the electronic list must be twelve characters long, must include a two- or three-letter prefix, and must not include spaces or hyphens. If a given registration number consists of fewer than twelve characters, the remitter should add leading zeroes to the numeric portion of the registration number before adding it to the list. For example, if a published work has the registration number "SR–320–918," it should be transcribed into the electronic list submitted for recordation as "sr0000320918." Similarly, if an unpublished work has the registration number "VAu–598–764," it should be transcribed into the electronic list submitted for recordation as "vau000598764."

The electronic list must be stored on a compact disc, flash drive, or other digital storage medium approved by the

Copyright Office that is clearly labeled with the following information: The name of the remitting party, the name of the first party listed in the paper document, the first title listed in the paper document, the number of titles included in the paper document, and the date the remitting party mailed or delivered the paper document. The storage medium on which the electronic list is stored must be included in the same package as the paper document to be recorded, unless the Office agrees to an alternative arrangement. The allowance for alternative arrangements will facilitate the submission of electronic title lists for documents submitted prior to the effective date of this rule.

By allowing remitters the option of submitting title appendices in electronic format, the Office will eliminate inefficiencies associated with the manual transcription of title information from paper to electronic format, thus significantly reducing the time and labor spent on creating these records, cutting down on inaccuracies, and providing a shorter wait time for remitters to receive their recorded documents and certificates of recordation.

The proposed rule permits electronic submission only in cases where there are 100 or more titles associated with a document. This is because the steps required to process shorter title appendices could actually take longer than processing them in the ordinary course. The Office believes that electronic submission will prove more efficient only when indexing 100 or more titles.

The Office has also considered how to handle any discrepancies between a paper document and the electronically formatted titles accompanying that paper document. In this regard, the Office has weighed the need for an accurate public record against the need to process large title submissions in a timely fashion and has come to a preliminary conclusion that the burden of creating an accurate record for the purposes of indexing in the Public Catalog must be placed on the remitter. The Copyright Office does not intend to cross-check electronic lists of titles against paper title appendices.

The Office notes that there may be legal consequences that flow from a remitter's failure to submit an accurate electronic list of titles. For example, the Copyright Act provides that recordation of a document gives "all persons constructive notice of the facts stated in the recorded document, but only if . . . the document, or material attached to it, specifically identifies the work to which it pertains so that, after the document is indexed by the Register of Copyrights, it would be revealed by a reasonable search under the title or registration number of the work." 17 U.S.C. 205(c). Since the Office will be relying on the electronic list of titles for purposes of indexing submitted documents, inaccuracies in such electronic lists could affect the ability to later claim that the public had constructive notice of the facts in the document. Thus, the omission of a title from the electronic list could negate constructive notice with respect to that title, even if the title appears in the paper document that is recorded, because the title would not be indexed. At the same time, if a title appears in the electronic list but is not included in the paper document that is actually recorded, the paper document will control.

An additional consideration is that, under the statute, constructive notice can be provided where the document would be revealed "by a reasonable search under the title or *registration number* of the work." *Id.* (emphasis added). Thus, although a remitter need not provide registration numbers when recording a document, inclusion of such numbers can help to ensure that the public is on notice of the facts contained in the document. At the same time, it is important to note that the Office will not verify the accuracy of registration numbers submitted (whether on paper or electronically). A remitting party's failure to include an accurate registration number in an electronic list, coupled with the failure to include an accurate title name, would likely prevent the title from being indexed such that the associated document would be "revealed by a reasonable search under the title or registration number of the work," thus negating constructive notice. *Id.*

Remitters should thus ensure that the electronic list of titles fully and accurately reflects the titles contained in the paper document. If an electronic submission is inconsistent with the information contained in the paper document, such discrepancies will result in corresponding inaccuracies in the Public Catalog, and the remitter will bear the legal consequences of such inaccuracies.

3. Return Receipt

Many remitters have expressed to the Copyright Office their concern that after they submit their documents for recordation, it may take several months or longer before they receive any word on the status of their submission. The Office recognizes the benefits of the Office's acknowledgment of receipt of a submission, even if the submission awaits processing. The Office thus proposes a new, optional receipt confirmation system under which a remitter may request that the Office provide a return receipt. Remitters seeking a return receipt must complete and enclose the required two copies of Form DCS, making sure to check the box (to be added to the form) indicating that they want a return receipt. In addition, they must include a self-addressed, postage-paid envelope in the package. Upon opening the package, the Office will attach a date-stamped return receipt to one of the cover sheets and mail it back to the remitter via the self-addressed, postage-paid envelope.

It is important to realize that a return receipt will establish only that the Office has received a submission as of the date indicated, and will not establish that a document is eligible for recordation, or provide a date of recordation. Only the certificate of recordation will provide the date of recordation. At this time, the Office will provide return receipts free of charge.

List of Subjects in 37 CFR Part 201

Copyright.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Office proposes to amend part 201 to Chapter II of Title 37 of the Code of Federal Regulations as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Amend § 201.4 by revising paragraph (b) and introductory text paragraph (c), adding paragraphs (c)(4) and (f), to read as follows:

§ 201.4 Recordation of transfers and certain other documents.

* * * * *

(b) *Forms.* Persons recording documents are encouraged, but not required, to complete and include a Recordation Document Cover Sheet (Form DCS), available on the Copyright Office Web site, with their submissions; provided, however, that if the remitter seeks a return receipt as provided in paragraph (f) of this section, then Form DCS is required. Form DCS may also be used to satisfy the sworn certification requirement of 17 U.S.C. 205(a), as provided in 37 CFR 201.4(a)(3)(i). If Form DCS is used, two copies of the completed form should accompany each document submitted for recordation,

one of which will become part of the public record.

(c) *Document submission contents and process.*

* * * * *

(4) *Submission of electronic title lists.* If a document submitted for recordation pertains to 100 or more titles of copyrighted works (including where the total number of titles across multiple title lists associated with the document is 100 or more), in addition to identifying the titles in the paper submission, the remitting party may also submit an electronic list (or lists) setting forth each such title, as provided herein. The electronic list(s) shall not be considered a part of the recorded document and shall function only as a means to index titles and other information associated with the recorded document.

(i) *Method of submitting electronic title lists.* Absent a special arrangement with the Office, the electronic list must be included in the same package as the paper document to be recorded. The list must be prepared in a format consistent with the requirements of subparagraph (ii) of this paragraph (4), and stored on a compact disc, flash drive, or other digital storage medium approved by the Copyright Office that is clearly labeled with the following information: the name of the remitting party, the name of the first party listed in the paper document, the first title listed in the paper document, the number of titles included in the paper document, and the date the remitting party mailed or delivered the paper document.

(ii) *Format requirements for electronic title lists.* Any electronic list of titles submitted pursuant to paragraph (c)(4) shall conform to the requirements of this subparagraph. The electronic list of titles shall:

(A) Consist of a table contained in an electronic file in Excel (.xls) format or an equivalent electronic format approved by the Office;

(B) include only letters, numbers, and printable characters that appear in the ASCII 128-character set;

(C) include four columns respectively entitled, from left to right, Article, Title, Authorship Information, and Registration Number(s);

(D) list each title on a separate row of the electronic table, and include the following information for each title in the appropriate column, as applicable:

(*1*) First column: *Article.* If the title of the work begins with one of the articles specified in the following list, the article should be separated from the title and placed in this column. If the title does not begin with one of the specified articles, the column must still be included, but this field should be left blank. The list of leading articles is as follows:

English: A, An, The
Spanish: Un, Una, El, La, Lo, Las, Los
French: L', Le, La, Les, Un, Une
German: Der, Die, Das, Einer, Eine, Ein

(*2*) Second column: *Title.* The title of the work, not including any leading article;

(*3*) Third column: *Authorship Information.* The word "By" followed by the author or authors of the work. Where applicable, include designations such as "performer known as" or "also known as," or the abbreviated form of such designations. Abbreviated designations must omit any punctuation between letters, for example "pka" (not "p/k/a"); and

(*4*) Fourth column: *Registration Number(s).* The copyright registration number or numbers. This field is optional; if registration numbers are not being supplied for any title in the submission, this column should still be included, but left blank. Regardless of how they appear in the paper document, registration numbers included in the electronic list must be twelve characters long, must include a two- or three-letter prefix, and must not include spaces or hyphens. If a given registration number consists of fewer than twelve characters in the original, the remitting party should add leading zeroes to the numeric portion of the registration number before adding it to the list. For example, a published work with the registration number "SR–320–918" should be transcribed into the electronic list as "sr0000320918," and an unpublished work with the registration number "VAu-598–764" should be transcribed into the electronic list as "vau000598764."

(iii) *Remitters to bear consequences of inaccurate electronic title lists.* The Office will rely on the electronic list of titles for purposes of indexing recorded documents in the Public Catalog and the remitter will bear the consequences of any inaccuracies in the electronic list in relation to the recorded document, including with respect to whether there is effective constructive notice or priority under 17 U.S.C. 205(c). For example, omission of a title from the electronic list such that the title is not properly indexed may affect the ability to claim that the public had constructive notice with respect to that title, even if the title appears in the paper document. If a title appears in the electronic list but is not included in the paper document that is actually recorded, the paper document will control.

(iv) *Treatment of improperly prepared electronic title lists.* The Office reserves the right to reject an electronic title list from any party that is shown to have submitted an improperly prepared file.

* * * * *

(f) *Return Receipt.* If, with a document submitted for recordation, a remitter includes two copies of a properly completed Recordation Document Cover Sheet (Form DCS) indicating that a return receipt is requested, as well as a self-addressed, postage-paid envelope, the remitter will receive a date-stamped return receipt acknowledging the Copyright Office's receipt of the enclosed submission. The completed copies of Form DCS and self-addressed, postage-paid envelope must be included in the same package as the submitted document. A return receipt confirms the Office's receipt of the submission as of the date indicated, but does not establish eligibility for, or the date of, recordation.

Dated: July 10, 2014.

Jacqueline C. Charlesworth,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2014–16726 Filed 7–15–14; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0173; FRL–9913–71–Region 8]

Approval and Promulgation of Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve changes to North Dakota's State Implementation Plan (SIP). On January 23, 2013, the Governor of North Dakota submitted to EPA revisions to several chapters of the North Dakota SIP. These revisions included the removal of subsections 33–15–03–04.4 and 33–15–05–01.2.a(1) of the North Dakota Administrative Code (NDAC). In this action, EPA is proposing to approve the removal of these subsections from the SIP because such removal is consistent with Clean Air Act (CAA) requirements. The removal will correct certain deficiencies related to the correct treatment of excess emissions from sources. EPA will address the remaining

revisions from North Dakota's January 23, 2013 submission in other actions.

DATES: Comments must be received on or before August 15, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2014–0173, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Email: *clark.adam@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2014–0173 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

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 Air Program, U.S. Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Adam Clark, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–7104, *clark.adam@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *NDAC* mean or refer to the North Dakota Administrative Code.

(iv) The initials *SIP* mean or refer to state implementation plan.

(v) The initials *SSM* mean or refer to startup, shutdown, and malfunction.

(vi) The words *State* or *North Dakota* mean the State of North Dakota, unless the context indicates otherwise.

I. General Information

What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register**, date, and page number);
- Follow directions and organize your comments;
- Explain why you agree or disagree;
- Suggest alternatives and substitute language for your requested changes;
- Describe any assumptions and provide any technical information and/or data that you used;
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced;
- Provide specific examples to illustrate your concerns, and suggest alternatives;
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats; and
- Make sure to submit your comments by the comment period deadline identified.

II. Background

In accordance with the requirements of CAA section 110(a)(2)(A), SIPs must contain enforceable emission limitations and, in accordance with the definition of "emission limitations" in CAA section 302(k), such emission limitations must be continuous. In addition, under CAA section 304(a), any person may bring a civil action against any person alleged to have violated (if there is evidence that the alleged violation has been repeated) or to be in violation of an "emission standard or limitation" under the CAA. For the purposes of section 304, "emission standard or limitation" is defined in section 304(f) and includes SIP emission limitations. Thus, SIP emission limitations can be enforced in a section 304 action and so must be capable of enforcement. SIP provisions that create exemptions such that excess emissions

during startup, shutdown, malfunctions (SSM) and other conditions are not violations of the applicable emission limitations are inconsistent with these fundamental requirements of the CAA with respect to emission limitations in SIPs.

NDAC 33–15–03–04.4 created exemptions from a number of cross-referenced opacity limits "where the limits specified in this article cannot be met because of operations and processes such as, but not limited to, oil field service and drilling operations, but only so long as it is not technically feasible to meet said specifications." NDAC 33–15–05–01.2.a(1) created an implicit exemption from particulate matter emissions limits for "temporary operational breakdowns or cleaning of air pollution equipment" if the source met certain conditions. Because these provisions contemplated outright exemptions from the otherwise applicable SIP emission limits, they were inconsistent with CAA requirements. In addition, NDAC 33–15–03–04.4 had inherent ambiguities that called into question its basic enforceability.

On June 30, 2011, the Sierra Club filed with the EPA Administrator a petition for rulemaking concerning states' treatment of excess emissions from sources during SSM events (the Petition).[1] In the Petition, the Sierra Club identified existing SIP provisions in 39 states that the Sierra Club considered inconsistent with the CAA, including provisions in the North Dakota SIP. Specifically, the Sierra Club argued that NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l) were contrary to the CAA because these provisions did not consider each instance of excess emissions a violation of the applicable standard, and because these provisions could be construed to preclude EPA and citizen enforcement.

On February 22, 2013, EPA published a proposed rulemaking in which (among other things) we proposed to grant the Petition as it pertained to NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l). 78 FR 12460, 12531–12532. We concurred with Sierra Club's assertion that both provisions are inconsistent with the requirements of the CAA. In our proposed rulemaking, we also proposed to find that NDAC 33–15–03–04.3 was inconsistent with the requirements of the CAA. We proposed to find that all three of these provisions (NDAC 33–15–03–04.3, NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l)) are substantially inadequate to meet CAA requirements, and concurrently proposed to issue a SIP call for all three provisions.

On January 23, 2013, the Governor of North Dakota submitted to EPA SIP revisions that included the removal of both NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l), as well as additional revisions to the North Dakota SIP. We will act on the remaining revisions from the January 23, 2013 submittal (aside from NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l)) in separate rulemakings. The January 23, 2013 submittal did not revise NDAC 33–15–03–04.3.

III. North Dakota Revisions and EPA Analysis

Under CAA section 107, states have the primary authority and responsibility to develop and implement SIPs that provide for attainment, maintenance, and enforcement of the National Ambient Air Quality Standards and meet other CAA requirements. Under CAA section 110(k), EPA has the authority and responsibility to review state SIP submissions to assure that they meet all applicable requirements. CAA section 110(l) prohibits EPA from approving a SIP revision that (among other things) would interfere with any applicable requirement of the CAA.

In this instance, the State has elected to revise its existing SIP by removing two previously approved provisions that created exemptions from otherwise applicable emission limits in the SIP. As noted, the State removed both NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l) from the North Dakota SIP in its January 23, 2013 submission.

We consider the removal of these provisions sufficient to correct the inadequacies contained within them and to be consistent with the requirements of the CAA.[2] As a result of their removal from the SIP, the improper exemptions from emissions limits contained within these provisions will no longer be available to sources. EPA's proposed approval of these two revisions is also consistent with CAA section 110(l) because approval will not interfere with any applicable requirement of the CAA. Specifically, removal of the exemptions will not relax the existing emission limitations in the SIP and will in fact be more protective. Furthermore, these revisions will render the revised emission limitations consistent with the requirements of the CAA for SIP provisions by making them continuously applicable and more enforceable. Therefore, we are proposing to approve the removal of these provisions from the SIP.[3]

IV. EPA's Proposed Action

We are proposing to approve the removal of NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l) from the North Dakota SIP, as reflected in the January 23, 2013 SIP submission.

V. Statutory and Executive Orders Review

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 USC 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 USC 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 USC 272 note) because application of those requirements would be inconsistent with the CAA; and,

[1] The Petition is available in the docket for this action.

[2] For a more in-depth discussion on the inadequacies of NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l), see our proposed SIP call at 78 FR 12531–12532, February 22, 2013.

[3] We note that if we finalize our proposed approval of the removal of these provisions from the SIP, it will have the effect of mooting our proposed SIP call regarding these provisions.

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: June 24, 2014.

Shaun L. McGrath,

Regional Administrator.

[FR Doc. 2014–16739 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0271; FRL–9913–77–Region 7]

Approval and Promulgation of Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 2008 Lead National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Kansas addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2008 National Ambient Air Quality Standards (NAAQS) for Lead (Pb), which requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as "infrastructure" SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: Comments must be received on or before August 15, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2014–0271, by one of the following methods:

1. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *Email: kemp.lachala@epa.gov.*
3. *Mail:* Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.
4. *Hand Delivery or Courier:* Deliver your comments to Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2014–0271. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *http://www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment 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 should be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7214; *fax number:* (913) 551–7065; *email address: kemp.lachala@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we refer to EPA. This section provides additional information by addressing the following questions:

I. What is a Section 110(a)(1) and (2) infrastructure SIP?

Section 110(a)(1) of the CAA requires, in part, that states make a SIP submission to EPA to implement, maintain and enforce each of the NAAQS promulgated by EPA after reasonable notice and public hearings. Section 110(a)(2) includes a list of specific elements that such infrastructure SIP submissions must address. SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised NAAQS. These SIP submissions are commonly referred to as "infrastructure" SIPs.

II. What are the applicable elements under Sections 110(a)(1) and (2)?

On October 15, 2008, EPA substantially strengthened the primary and secondary Pb NAAQS (hereafter the 2008 Pb NAAQS). The level of the primary (health-based) standard was revised to 0.15 micrograms per cubic meter (μg/m^3), measured as total suspended particles (TSP) and not to be exceeded with an averaging time of a rolling 3-month period. EPA also revised the secondary (welfare-based) standard to be identical to the primary standard (73 FR 66964).[1]

For the 2008 Pb NAAQS, states typically have met many of the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous NAAQS. Nevertheless, pursuant to section 110(a)(1), states have to review and revise, as appropriate, their existing SIPs to ensure that the SIPs are adequate to address the 2008 Pb NAAQS. To assist states in meeting this statutory requirement, EPA issued guidance on October 14, 2011, addressing the infrastructure SIP elements required under sections 110(a)(1) and (2) for the 2008 Pb NAAQS.[2] EPA will address these elements below under the following headings: (A) Emission limits and other control measures; (B) Ambient air quality monitoring/data system; (C) Program for enforcement of control measures (prevention of significant deterioration)(PSD)), New Source Review for nonattainment areas, and construction and modification of all stationary sources); (D) Interstate and international transport; (E) Adequate authority, resources, implementation, and oversight; (F) Stationary source monitoring system; (G) Emergency authority; (H) Future SIP revisions; (I) Nonattainment areas; (J) Consultation with government officials, public notification, PSD, and visibility protection; (K) Air quality and modeling/data; (L) Permitting fees; and (M) Consultation/participation by affected local entities.

III. What is EPA's approach to the review of infrastructure SIP submissions?

EPA is acting upon the January 13, 2012, SIP submission from Kansas that addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2008 Pb NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions "within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof)," and these SIP submissions are to provide for the "implementation, maintenance, and enforcement" of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that "[e]ach such plan" submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as "infrastructure SIP" submissions. Although the term "infrastructure SIP" does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as "nonattainment SIP" or "attainment plan SIP" submissions to address the nonattainment planning requirements of part D of title I of the CAA, "regional haze SIP" submissions required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[3] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that "each" SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[4] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[5] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine

[1] Although the effective date of the Federal Register notice for the final rule was January 12, 2009, the rule was signed by the Administrator and publicly disseminated on October 15, 2008. Therefore, the deadline for submittal of infrastructure SIPs for the 2008 Pb NAAQS was October 15, 2011.

[2] Stephen D. Page, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards, "Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)," Memorandum to EPA Regional Air Division Directors, Regions I–X, October 14, 2011 (2011 Lead Infrastructure Guidance).

[3] For example: section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[4] See, e.g., "Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call; Final Rule," 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[5] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit "a plan" to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[6] Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[7]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[8]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the "applicable requirements" of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[9] EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[10] EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. While today's proposed action relies on the specific guidance issued for the 2008 Pb NAAQS, we have also considered this more recent 2013 guidance where applicable (although not specifically issued for the 2008 Pb NAAQS) and have found no conflicts between the issued guidance and review of Kansas' SIP submission. Within the 2013 guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[11] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP

[6] See, e.g., "Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting," 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS," (78 FR 4337) (January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[7] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[8] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[9] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[10] "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," Memorandum from Stephen D. Page, September 13, 2013.

[11] EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I). EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the DC Circuit decision in *EME Homer City*, 696 F.3d7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.*, whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and New Source Review (NSR) pollutants, including greenhouse gases (GHGs). By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia*, the requirement that states have a program to regulate minor new sources. Thus, EPA evaluates whether the state has an EPA-approved minor NSR program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.*, already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and EPA's policies addressing such excess emissions ("SSM"); (ii) existing provisions related to "director's variance" or "director's discretion" that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's "Final NSR Improvement Rule," 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) ("NSR Reform"). Thus, EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[12] It is important to note that EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of "implementation, maintenance, and enforcement" of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a "SIP call" whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[13] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past

[12] By contrast, EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[13] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See "Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions," 74 FR 21639 (April 18, 2011).

approvals of SIP submissions.[14] Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[15]

IV. What is EPA's evaluation of how the state addressed the relevant elements of Sections 110(a)(1) and (2)?

EPA Region 7 received Kansas' infrastructure SIP submission for the 2008 Pb standard on January 13, 2012. This SIP submission became complete as a matter of law on July 13, 2012. EPA has reviewed Kansas' infrastructure SIP submission and the applicable statutory and regulatory authorities and provisions referenced in those submissions or referenced in Kansas' SIP. Below is EPA's evaluation of how the state addressed the relevant elements of section 110(a)(2) for the 2008 Pb NAAQS.

(A) Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters as needed to implement, maintain and enforce each NAAQS.[16]

The State of Kansas' statutes and regulations authorize the Kansas Department of Health and Environment (KDHE) to regulate air quality and implement air quality control regulations. KDHE's statutory authority can be found in chapter 65, article 30 of the Kansas Statutes Annotated (KSA), otherwise known as the Kansas Air Quality Act. KSA section 65–3003 places the responsibility for air quality conservation and control of air pollution with the Secretary of Health and Environment ("Secretary"). The Secretary in turn administers the Kansas Air Quality Act through the Division of Environment within KDHE. Air pollution is defined in KSA section 65–3002(c) as the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property, or would contribute to the formation of regional haze.

KSA section 65–3005(a)(1) provides authority to the Secretary to adopt, amend and repeal rules and regulations implementing the Kansas Air Quality Act. It also gives the Secretary the authority to establish ambient air quality standards for the State of Kansas as a whole or for any part thereof. KSA section 65–3005(a)(12). The Secretary has the authority to promulgate rules and regulations to ensure that Kansas is in compliance with the provisions of the Act, in furtherance of a policy to implement laws and regulations consistent with those of the Federal government. KSA section 65–3005(b). The Secretary also has the authority to establish emission control requirements as appropriate to facilitate the accomplishment of the purposes of the Kansas Air Quality Act. KSA section 65–3010(a).

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(A) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, SIP submission.

(B) Ambient air quality monitoring/data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collection and analysis of ambient air quality data, and making these data available to EPA upon request.

To address this element, KSA section 65–3007 provides the enabling authority necessary for Kansas to fulfill the requirements of section 110(a)(2)(B). This provision gives the Secretary the authority to classify air contaminant sources which, in his or her judgment, may cause or contribute to air pollution. Furthermore, the Secretary has the authority to require such air contaminant sources to monitor emissions, operating parameters, ambient impacts of any source emissions, and any other parameters deemed necessary. The Secretary can also require these sources to keep records and make reports consistent with the Kansas Air Quality Act. KSA section 65–3007(b).

Kansas has an air quality monitoring network operated by KDHE and local air quality agencies that collects air quality data that are compiled, analyzed, and reported to EPA. KDHE's Web site contains up-to-date information about air quality monitoring, including a description of the network and information about the monitoring of Pb. *See, generally, http://www.kdheks.gov/bar/air-monitor/indexMon.html.* KDHE also conducts five-year monitoring network assessments, including the Pb monitoring network, as required by 40 CFR 58.10(d). On December 3, 2013, EPA approved Kansas' 2013–2014 Ambient Air Monitoring Network Plan. This plan includes, among other things, the location for the Pb monitoring network in Kansas. Specifically, KDHE operates one lead monitor in Salina near the Exide Technologies facility in accordance with the source-oriented lead monitoring requirements of 40 CFR part 58, appendix D, paragraph 4.5(a). Population-based monitoring is also conducted at the JFK NCore (National Core Network) site in Kansas City, Kansas. Data gathered by the monitors is submitted to EPA's Air Quality System, which in turn determines if the network site monitor is in compliance with the NAAQS.

Within KDHE, the Bureau of Air and Radiation implements these requirements. Along with its other duties, the Monitoring and Planning Section collects air monitoring data,

[14] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See "Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule," 75 FR 82536 (December 30, 2010). EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[15] See, e.g., EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (January 26, 2011) (final disapproval of such provisions).

[16] The specific nonattainment area plan requirements of section 110(a)(2)(I) are subject to the timing requirements of section 172, not the timing requirement of section 110(a)(1). Thus, section 110(a)(2)(A) does not require that states submit regulations or emissions limits specifically for attaining the 2008 Pb NAAQS. Those SIP provisions are due as part of each state's attainment plan, and will be addressed separately from the requirements of section 110(a)(2)(A). In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS.

quality assures the results, and reports the data. The data is then used to develop the appropriate regulatory or outreach strategies to reduce air pollution.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(B) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, SIP submission.

(C) Program for enforcement of control measures (PSD, New Source Review for nonattainment areas, and construction and modification of all stationary sources): Section 110(a)(2)(C) requires states to include the following three elements in the SIP: (1) A program providing for enforcement of all SIP measures described in section 110(a)(2)(A); (2) a program for the regulation of the modification and construction of stationary sources as necessary to protect the applicable NAAQS (i.e., state-wide permitting of minor sources); and (3) a permit program to meet the major source permitting requirements of the CAA (for areas designated as attainment or unclassifiable for the NAAQS in question).[17]

(1) *Enforcement of SIP Measures.* With respect to enforcement of requirements of the SIP, KSA section 65–3005(a)(3) gives the Secretary the authority to issue orders, permits and approvals as may be necessary to effectuate the purposes of the Kansas Air Quality Act and enforce the Act by all appropriate administrative and judicial proceedings. Pursuant to KSA section 65–3006, the Secretary also has the authority to enforce rules, regulations and standards to implement the Kansas Air Quality Act and to employ the professional, technical and other staff to effectuate the provisions of the Act. In addition, if the Secretary or the director of the Division of Environment finds that any person has violated any provision of any approval, permit or compliance plan or any provision of the Kansas Air Quality Act or any rule or regulation promulgated thereunder, he or she may issue an order directing the person to take such action as necessary to correct the violation. KSA section 65–3011.

KSA section 65–3018 gives the Secretary or the Director of the Division of Environment the authority to impose a monetary penalty against any person who, among other things, either violates any order or permit issued under the Kansas Air Quality Act, or violates any provision of the Act or rule or regulation promulgated thereunder. Section 65–3028 provides for criminal penalties for knowing violations.

(2) *Minor New Source Review.* Section 110(a)(2)(C) also requires that the SIP include measures to regulate construction and modification of stationary sources to protect the NAAQS. With respect to smaller sources that meet the criteria listed in KAR 28–19–300(b) "Construction Permits and Approvals," Kansas has a SIP-approved permitting program. Any person proposing to conduct a construction or modification at such a source must obtain approval from KDHE prior to commencing construction or modification. If KDHE determines that air contaminant emissions from a source will interfere with attainment or maintenance of the NAAQS, it cannot issue an approval to construct or modify that source (KAR 28–19–301(d) "Construction Permits and Approvals; Application and Issuance").

In this action, EPA is proposing to approve Kansas' infrastructure SIP for the 2008 Pb standard with respect to the general requirement in section 110(a)(2)(C) to include a program in the SIP that regulates the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved. In this action, EPA is not proposing to approve or disapprove the state's existing minor NSR program to the extent that it is inconsistent with EPA's regulations governing this program. EPA has maintained that the CAA does not require that new infrastructure SIP submissions correct any defects in existing EPA-approved provisions of minor NSR programs in order for EPA to approve the infrastructure SIP for element (C) (*e.g.,* 76 FR 41076–41079).

(3) *Prevention of Significant Deterioration (PSD) permit program.* Kansas also has a program approved by EPA as meeting the requirements of part C, relating to prevention of significant deterioration of air quality. In order to demonstrate that Kansas has met this sub-element, this PSD program must cover requirements not just for the 2008 Pb NAAQS, but for all other regulated NSR pollutants as well. As stated in the October 14, 2011, Pb Infrastructure SIP guidance, EPA has not proposed to amend the PSD regulations with regard to the Pb NAAQS because it believes that, generally, there is sufficient guidance and regulations already in place to fully implement the revised Pb NAAQS.

In a previous action on June 20, 2013, EPA determined that Kansas has a program in place that meets all the PSD requirements related to all other required pollutants (78 FR 37126). Therefore, Kansas has adopted all necessary provisions to ensure that its PSD program covers the requirements for the Pb NAAQS and all other regulated NSR pollutants.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(C) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012 SIP submission.

(D) Interstate and international transport: Section 110(a)(2)(D)(i) includes four requirements referred to as prongs 1 through 4. Prongs 1 and 2 are provided at section 110(a)(2)(D)(i)(I); Prongs 3 and 4 are provided at section 110(a)(2)(D)(i)(II). Section 110(a)(2)(D)(i)(I) requires SIPs to include adequate provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of any NAAQS in another state. Section 110(a)(2)(D)(i)(II) requires SIPs to include adequate provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required of any other state to prevent significant deterioration of air quality or to protect visibility.

With respect to prongs 1 and 2, the physical properties of Pb prevent Pb emissions from experiencing a significant degree of travel in the ambient air. No complex chemistry is needed to form Pb or Pb compounds in the ambient air; therefore, concentrations of Pb are typically highest near Pb sources. More specifically, there is a sharp decrease in Pb concentrations as the distance from a source increases. According to EPA's report entitled *Our Nation's Air: Status and Trends Through 2010,* Pb concentrations that are not near a source of Pb are approximately eight times less than the typical concentrations near the source (*http://www.epa.gov/airtrends/2011/report/fullreport.pdf*). EPA believes that the requirements of prongs 1 and 2 can be satisfied through a state's assessment as to whether a Pb source located within its state in close

[17] As discussed in further detail below, this infrastructure SIP rulemaking will not address the Kansas program for nonattainment area related provisions, since EPA considers evaluation of these provisions to be outside the scope of infrastructure SIP actions.

proximity to a state border has emissions that contribute significantly to the nonattainment or interfere with maintenance of the NAAQS in the neighboring state.

Kansas has one Pb nonattainment area with sources of Pb emissions over 0.5 tons per year (tpy). The Pb nonattainment area is identified as portions of Saline County, Kansas, and the sources contributing to nonattainment are Exide Technologies and Metlcast. These sources are located in central Kansas and therefore do not have an impact on any other state.

With respect to the PSD requirements of section 110(a)(2)(D)(i)(II)—prong 3, EPA notes that Kansas' satisfaction of the applicable infrastructure SIP PSD requirements for attainment/unclassifiable areas of the 2008 Pb NAAQS have been detailed in the section addressing section 110(a)(2)(C). EPA also notes that the proposed action in that section related to PSD is consistent with the proposed approval related to PSD for section 110(a)(2)(D)(i)(II).

With regard to the applicable requirements for visibility protection of section 110(a)(2)(D)(i)(II)—prong 4, significant impacts from Pb emissions from stationary sources are expected to be limited to short distances from the source and most, if not all Pb stationary sources are located at distances from Class I areas such that visibility impacts would be negligible. Although Pb can be a component of coarse and fine particles, Pb generally comprises a small fraction of coarse and fine particles. Furthermore, when evaluating the extent that Pb could impact visibility, Pb-related visibility impacts were found to be insignificant (e.g., less than 0.10%).[18]

Nevertheless, Kansas meets this requirement through EPA's final approval of Kansas' regional haze plan on December 27, 2011 (76 FR 80754). In this final approval, EPA determined that the Kansas SIP met requirements of the CAA, for states to prevent any future and remedy any existing anthropogenic impairment of visibility in Class I areas caused by emissions of air pollutants located over a wide geographic area. Therefore, EPA is proposing to fully approve this aspect of the submission.

Section 110(a)(2)(D)(ii) also requires that the SIP insure compliance with the applicable requirements of sections 126 and 115 of the CAA, relating to interstate and international pollution abatement, respectively.

Section 126(a) of the CAA requires new or modified sources to notify neighboring states of potential impacts from sources within the state. The Kansas regulations address abatement of the effects of interstate pollution. For example, KAR 28–19–350(k)(2) "Prevention of Significant Deterioration (PSD) of Air Quality" requires KDHE, prior to issuing any construction permit for a proposed new major source or major modification, to notify EPA, as well as: Any state or local air pollution control agency having jurisdiction in the air quality control region in which the new or modified installation will be located; the chief executives of the city and county where the source will be located; any comprehensive regional land use planning agency having jurisdiction where the source will be located; and any state, Federal land manager, or Indian governing body whose lands will be affected by emissions from the new source or modification.[19] *See also* KAR 28–19–204 "General Provisions; Permit Issuance and Modification; Public Participation" for additional public participation requirements. In addition, no Kansas source or sources have been identified by EPA as having any interstate impacts under section 126 in any pending actions relating to any air pollutant.

Section 115 of the CAA authorizes EPA to require a state to revise its SIP under certain conditions to alleviate international transport into another country. There are no final findings under section 115 of the CAA against Kansas with respect to any air pollutant. Thus, the state's SIP does not need to include any provisions to meet the requirements of section 115.

Based upon review of the state's infrastructure SIP submissions for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address sections 110(a)(2)(D)(i)—Prongs 1 through 4 and 110 (a)(2)(D)(ii) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, submission.

(E) Adequate authority, resources, implementation, and oversight: Section 110(a)(2)(E) requires that SIPs provide for the following: (1) Necessary assurances that the state (and other entities within the state responsible for implementing the SIP) will have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) requirements that the state comply with the requirements relating to state boards, pursuant to section 128 of the CAA; and (3) necessary assurances that the state has responsibility for ensuring adequate implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan.

(1) Section 110(a)(2)(E)(i) requires states to establish that they have adequate personnel, funding and authority. With respect to adequate authority, we have previously discussed Kansas' statutory and regulatory authority to implement the 2008 Pb NAAQS, primarily in the discussion of section 110(a)(2)(A) above. Neither Kansas nor EPA has identified any legal impediments in the state's SIP to implementation of the NAAQS.

With respect to adequate resources, KDHE asserts that it has adequate personnel to implement the SIP. The Kansas statutes provide the Secretary the authority to employ technical, professional and other staff to effectuate the purposes of the Kansas Air Quality Act from funds appropriated and available for these purposes. *See* KSA section 65–3006(b). Within KDHE, the Bureau of Air and Radiation implements the Kansas Air Quality Act. This Bureau is further divided into the Air Compliance and Enforcement Section, Air Permit Section; the Monitoring and Planning Section; and the Radiation and Asbestos Control Section.

With respect to funding, the Kansas Legislature annually approves funding and personnel resources for KDHE to implement the air program. The annual budget process provides a periodic update that enables KDHE and the local agencies to adjust funding and personnel needs. In addition, the Kansas statutes grant the Secretary authority to establish various fees for sources, to cover any and all parts of administering the provisions of the Kansas Air Quality Act. For example, KSA section 65–3008(f) grants the Secretary authority to fix, charge, and collect fees for construction approvals and permits (and the renewals thereof). KSA section 65–3024 grants the Secretary the authority to establish annual emissions fees. These emission fees, along with any moneys recovered by the state under the provisions of the Kansas Air Quality Act, are deposited into an air quality fee fund in the state treasury. Moneys in the air quality fee fund can only be used for the purpose of administering the Kansas Air Quality Act.

[18] Analysis by Mark Schmidt, OAQPS, "Ambient Pb's Contribution to Class I Area Visibility Impairment," June 17, 2011.

[19] KAR 28–19–16k(b) provides similar requirements for construction permits issued in nonattainment areas.

Kansas also uses funds in the non-Title V subaccounts, along with General Revenue funds and EPA grants under, for example, sections 103 and 105 of the Act, to fund the programs. EPA conducts periodic program reviews to ensure that the state has adequate resources and funding to, among other things, implement the SIP.

(2) Conflict of interest provisions—section 128. Section 110(a)(2)(E)(ii) requires that each state SIP meet the requirements of section 128, relating to representation on state boards and conflicts of interest by members of such boards. Section 128(a)(1) requires that any board or body which approves permits or enforcement orders under the CAA must have at least a majority of members who represent the public interest and do not derive any "significant portion" of their income from persons subject to permits and enforcement orders under the CAA. Section 128(a)(2) requires that members of such a board or body, or the head of an agency with similar powers, adequately disclose any potential conflicts of interest.

On June 20, 2013, EPA approved Kansas' SIP revision addressing the section 128 requirements (78 FR 37126). For a detailed discussion on EPA's analysis of how Kansas meets the section 128 requirements, see EPA's April 17, 2013, proposed approval of Kansas' 1997 and 2006 $PM_{2.5}$ infrastructure SIP (78 FR 22827).

(3) With respect to assurances that the state has responsibility to implement the SIP adequately when it authorizes local or other agencies to carry out portions of the plan, KSA section 65–3005(a)(8) grants the Secretary authority to encourage local units of government to handle air pollution problems within their own jurisdictions and to provide technical and consultative assistance therefor. The Secretary may also enter into agreements with local units of government to administer all or part of the provisions of the Kansas Air Quality Act in the units' respective jurisdictions. In fact, KSA section 65–3016 allows for cities and/or counties (or combinations thereof) to form local air quality conservation authorities. These authorities will then have the authority to enforce air quality rules and regulations adopted by the Secretary and adopt any additional rules, regulations and standards as needed to maintain satisfactory air quality within their jurisdictions.

At the same time, the Kansas statutes also retain authority in the Secretary to carry out the provisions of the state air pollution control law. KSA section 65–3003 specifically places responsibility for air quality conservation and control of air pollution with the Secretary. The Secretary shall then administer the Kansas Air Quality Act through the Division of Environment. As an example of this retention of authority, KSA section 65–3016 only allows for the formation of local air quality conservation authorities with the approval of the Secretary. In addition, although these authorities can adopt additional air quality rules, regulations and standards, they may only do so if those rules, regulations and standards are in compliance with those set by the Secretary for that area. Currently, KDHE oversees the following local agencies that implement that Kansas Air Quality Act: The City of Wichita Office of Environmental Health, Johnson County Department of Health and Environment, Shawnee County Health Agency, and Unified Government of Wyandotte County—Kansas City, Kansas Public Health Department.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(E) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, submission.

(F) Stationary source monitoring system: Section 110(a)(2)(F) requires states to establish a system to monitor emissions from stationary sources and to submit periodic emission reports. Each SIP shall require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources, to monitor emissions from such sources. The SIP shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and requires that the state correlate the source reports with emission limitations or standards established under the CAA. These reports must be made available for public inspection at reasonable times.

To address this element, KSA section 65–3007 gives the Secretary the authority to classify air contaminant sources which, in his or her judgment, may cause or contribute to air pollution. The Secretary shall require air contaminant emission sources to monitor emissions, operating parameters, ambient impact of any source emissions, and any other parameters deemed necessary. Furthermore, the Secretary may require these emissions sources to keep records and make reports consistent with the purposes of the Kansas Air Quality Act.

In addition, KAR 28–19–12(A) "Measurement of Emissions" states that KDHE may require any person responsible for the operation of an emissions source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe that existing emissions exceed limitations specified in the Kansas air quality regulations. At the same time, KDHE may also conduct its own tests of emissions from any source. KAR 28–19–12(B). The Kansas regulations also require that all Class I operating permits include requirements for monitoring of emissions (KAR 28–19–512(a)(9) "Class I Operating Permits; Permit Content").

Kansas makes all monitoring reports (as well as compliance plans and compliance certifications) submitted as part of a construction permit or Class I or Class II permit application publicly available. *See* KSA section 65–3015(a); KAR 28–19–204(c)(6) "General Provisions; Permit Issuance and Modification; Public Participation." KDHE uses this information to track progress towards maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and determining compliance with emission regulations and additional EPA requirements. Although the Kansas statutes allow a person to request that records or information reported to KDHE be regarded and treated as confidential on the grounds that it constitutes trade secrets, emission data is specifically excluded from this protection. *See* KSA section 65–3015(b).

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(F) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, submission.

(G) Emergency authority: Section 110(a)(2)(G) requires SIPs to provide for authority to address activities causing imminent and substantial endangerment to public health or welfare or the environment (comparable to the authorities provided in section 303 of the CAA), and to include contingency plans to implement such authorities as necessary. Based on EPA's experience to date with the Pb NAAQS and designated Pb nonattainment areas, EPA expects that such an event would be unlikely and, if it were to occur, would

be the result of a malfunction or other emergency situation at a relatively large source of Pb.

Nevertheless, KSA section 65–3012(a) states that whenever the Secretary receives evidence that emissions from an air pollution source or combination of sources presents an imminent and substantial endangerment to public health or welfare or to the environment, he or she may issue a temporary order directing the owner or operator, or both, to take such steps as necessary to prevent the act or eliminate the practice. Upon issuance of this temporary order, the Secretary may then commence an action in the district court to enjoin these acts or practices.

KAR 28–19–56 "Episode Criteria" allows the Secretary to proclaim an air pollution alert, air pollution warning, or air pollution emergency whenever he or she determines that the accumulation of air contaminants at any sampling location has attained levels which could, if such levels are sustained or exceeded, threaten the public health. KAR 28–19–57 "Emission Reduction Requirements" imposes restrictions on emission sources in the event one of these three air pollution episode statuses is declared.

Based upon review of the state's infrastructure SIP submissions for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in those submissions or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses section 110(a)(2)(G) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, submission.

(H) Future SIP revisions: Section 110(a)(2)(H) requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS.

KSA section 65–3005(b) specifically states that it is the policy of the state of Kansas to regulate the air quality of the state and implement laws and regulations that are applied equally and uniformly throughout the state and consistent with that of the Federal government. Therefore, the Secretary has the authority to promulgate rules and regulations to ensure that Kansas is in compliance with the provisions of the Federal CAA. KSA 65–3005(b)(1).

As discussed previously, KSA section 65–3005(a)(1) provides authority to the Secretary to adopt, amend and repeal rules and regulations implementing and consistent with the Kansas Air Quality Act. The Secretary also has the authority to establish ambient air quality standards for the state of Kansas or any part thereof. KSA section 65–3005(a)(12). Therefore, as a whole, the Secretary has the authority to revise rules as necessary to respond to any necessary changes in the NAAQS.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has adequate authority to address section 110(a)(2)(H) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, submission.

(I) Nonattainment areas: Section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas.

As noted earlier, EPA does not expect infrastructure SIP submissions to address subsection (I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. Instead, EPA will take action on part D attainment plan SIP submissions through a separate rulemaking governed by the requirements for nonattainment areas, as described in part D.

(J) Consultation with government officials, public notification, PSD and visibility protection: Section 110(a)(2)(J) requires SIPs to meet the applicable requirements of the following CAA provisions: (1) Section 121, relating to interagency consultation regarding certain CAA requirements; (2) section 127, relating to public notification of NAAQS exceedances and related issues; and (3) part C of the CAA, relating to prevention of significant deterioration of air quality and visibility protection.

(1) With respect to interagency consultation, the SIP should provide a process for consultation with general-purpose local governments, designated organizations of elected officials of local governments, and any Federal Land Manager having authority over Federal land to which the SIP applies. KSA section 65–3005(a)(14) grants the Secretary the authority to advise, consult and cooperate with other agencies of the state, local governments, other states, interstate and interlocal agencies, and the Federal government. Furthermore, as noted earlier in the discussion on section 110(a)(2)(D), Kansas' regulations require that whenever it receives a construction permit application for a new source or a modification, KDHE must notify state and local air pollution control agencies, as well as regional land use planning agencies and any state, Federal land manager, or Indian governing body whose lands will be affected by emissions from the new source or modification. *See* KAR 28–19–350(k)(2) "Prevention of Significant Deterioration (PSD) of Air Quality."

(2) With respect to the requirements for public notification in section 127, the infrastructure SIP should provide citations to regulations in the SIP requiring the air agency to regularly notify the public of instances or areas in which any NAAQS are exceeded; advise the public of the health hazard associated with such exceedances; and enhance public awareness of measures that can prevent such exceedances and of ways in which the public can participate in the regulatory and other efforts to improve air quality.

As discussed previously with element (G), KAR 28–19–56 "Episode Critera" contains provisions that allow the Secretary to proclaim an air pollution alert, air pollution warning, or air pollution emergency status whenever he or she determines that the accumulation of air contaminants at any sampling location has attained levels which could, if such levels are sustained or exceeded, threaten the public health. Any of these emergency situations can also be declared by the Secretary even in the absence of issuance of a high air pollution potential advisory or equivalent advisory from a local weather bureau meteorologist, if deemed necessary to protect the public health. In the event of such an emergency situation, public notification will occur through local weather bureaus.

In addition, information regarding air pollution and related issues is provided on a KDHE Web site, *http://www.kdheks.gov/bar/*. This information includes air quality data, information regarding the NAAQS, health effects of poor air quality, and links to the Kansas Air Quality Monitoring Network. KDHE also has an "Outreach and Education" Web page (*http://www.kdheks.gov/bar/air_outreach/air_quality_edu.htm*) with information on how individuals can take measures to reduce emissions and improve air quality in daily activities.

(3) With respect to the applicable requirements of part C of the CAA, relating to PSD of air quality and visibility protection, as noted in above under element (C), the Kansas SIP meets the PSD requirements, incorporating the

Federal rule by reference. With respect to the visibility component of section 110(a)(2)(J), EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. However, when EPA establishes or revises a NAAQS, these visibility and regional haze requirements under part C do not change. EPA believes that there are no new visibility protection requirements under part C as a result of a revised NAAQS. Therefore, there are no newly applicable visibility protection obligations pursuant to element J after the promulgation of a new or revised NAAQS.

Nevertheless, as noted above in section D, EPA has already approved Kansas' Regional Haze Plan and determined that it met the CAA requirements for preventing future and remedying existing impairment of visibility caused by air pollutants.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has met the applicable requirements of section 110(a)(2)(J) for the 2008 Pb NAAQS in the state and is therefore proposing to approve this element of the January 13, 2012, submission.

(K) Air quality and modeling/data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling, as prescribed by EPA, to predict the effects on ambient air quality of any emissions of any NAAQS pollutant, and for submission of such data to EPA upon request.

Kansas has authority to conduct air quality modeling and report the results of such modeling to EPA. KSA section 65–3005(a)(9) gives the Secretary the authority to encourage and conduct studies, investigations and research relating to air contamination and air pollution and their causes, effects, prevention, abatement and control. As an example of regulatory authority to perform modeling for purposes of determining NAAQS compliance, the regulations at KAR 28–19–350 "Prevention of Significant Deterioration (PSD) of Air Quality" incorporate EPA modeling guidance in 40 CFR part 51, appendix W for the purposes of demonstrating compliance or non-compliance with a NAAQS.

The Kansas statutes and regulations also give KDHE the authority to require that modeling data be submitted for analysis. KSA section 65–3007(b) grants the Secretary the authority to require air contaminant emission sources to monitor emissions, operating parameters, ambient impact of any source emissions or any other parameters deemed necessary. The Secretary may also require these sources to keep records and make reports consistent with the purposes of the Kansas Air Quality Act. These reports could include information as may be required by the Secretary concerning the location, size, and height of contaminant outlets, processes employed, fuels used, and the nature and time periods or duration of emissions, and such information as is relevant to air pollution and available or reasonably capable of being assembled. KSA section 65–3007(c).

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(K) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, submission.

(L) Permitting Fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to the permitting authority, as a condition of any permit required under the CAA, to cover the cost of reviewing and acting upon any application for such a permit, and, if the permit is issued, the costs of implementing and enforcing the terms of the permit. The fee requirement applies until a fee program established by the state pursuant to Title V of the CAA, relating to operating permits, is approved by EPA.

KSA section 65–3008(f) allows the Secretary to fix, charge, and collect fees for approvals and permits (and the renewals thereof). KSA section 65–3024 grants the Secretary the authority to establish annual emissions fees. Fees from the construction permits and approvals are deposited into the Kansas state treasury and credited to the state general fund. Emissions fees are deposited into an air quality fee fund in the Kansas state treasury. Moneys in the air quality fee fund can only be used for the purpose of administering the Kansas Air Quality Act.

Kansas' Title V program, found at KAR 28–19–500 to 28–19–564, was approved by EPA on January 30, 1996 (61 FR 2938). EPA reviews the Kansas Title V program, including Title V fee structure, separately from this proposed action. Because the Title V program and associated fees legally are not part of the SIP, the infrastructure SIP action we are proposing today does not preclude EPA from taking future action regarding Kansas' Title V program.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that the requirements of section 110(a)(2)(L) are met and is proposing to approve this element of the January 13, 2012, submission.

(M) Consultation/participation by affected local entities: Section 110(a)(2)(M) requires SIPs to provide for consultation and participation by local political subdivisions affected by the SIP.

KSA section 65–3005(a)(8)(A) gives the Secretary the authority to encourage local units of government to handle air pollution problems within their respective jurisdictions and on a cooperative basis and to provide technical and consultative assistance therefor. The Secretary may also enter into agreements with local units of government to administer all or part of the provisions on the Kansas Air Quality Act in the units' respective jurisdiction. The Secretary also has the authority to advise, consult, and cooperate with local governments. KSA section 65–3005(a)(14). He or she may enter into contracts and agreements with local governments as is necessary to accomplish the goals of the Kansas Air Quality Act. KSA section 65–3005(a)(16).

Currently, KDHE's Bureau of Air and Radiation has signed state and/or local agreements with the Department of Air Quality from the Unified Government of Wyandotte County—Kansas City, Kansas; the Wichita Office of Environmental Health; the Shawnee County Health Department, the Johnson County Department of Health and Environment; and the Mid-America Regional Council. These agreements establish formal partnerships between the Bureau of Air and Radiation and these local agencies to work together to develop and annually update strategic goals, objectives and strategies for reducing emissions and improving air quality.

In addition, as previously noted in the discussion about section 110(a)(2)(J), Kansas' statutes and regulations require that KDHE consult with local political subdivisions for the purposes of carrying out its air pollution control responsibilities.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission

or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(M) for the 2008 Pb NAAQS and is proposing to approve this element of the January 13, 2012, submission.

V. What action is EPA proposing?

EPA is proposing to approve the January 13, 2012, infrastructure SIP submission from Kansas which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2008 Pb NAAQS. Specifically, EPA is proposing to approve the following infrastructure elements, or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). As discussed in each applicable section of this rulemaking, EPA is not proposing action on section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D and on the visibility protection portion of section 110(a)(2)(J).

Based upon review of the state's infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in that submission or referenced in Kansas' SIP, EPA believes that Kansas has the infrastructure to address all applicable required elements of sections 110(a)(1) and(2) (except otherwise noted) to ensure that the 2008 Pb NAAQS are implemented in the state.

We are hereby soliciting comment on this proposed action. Final rulemaking will occur after consideration of any comments.

VI. Statutory and Executive Order Review

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 proposed action:

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

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

Statutory Authority

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

Dated: July 1, 2014.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2014–16750 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0401; FRL–9913–78–Region 7]

Approval and Promulgation of Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Kansas addressing the applicable requirements of Clean Air Act (CAA) sections 110 for the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone (O_3), which requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as "infrastructure" SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: Comments must be received on or before August 15, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2014–0401, by one of the following methods:

1. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *Email: kemp.lachala@epa.gov.*
3. *Mail:* Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.
4. *Hand Delivery or Courier:* Deliver your comments to Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2014–0401. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information

claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *http://www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment 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 should be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7214; *fax number:* (913) 551–7065; *email address: kemp.lachala@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we refer to EPA. This section provides additional information by addressing the following questions:

I. What is a Section 110(a)(1) and (2) infrastructure SIP?

Section 110(a)(1) of the CAA requires, in part, that states make a SIP submission to EPA to implement, maintain and enforce each of the NAAQS promulgated by EPA after reasonable notice and public hearings. Section 110(a)(2) includes a list of specific elements that such infrastructure SIP submissions must address. SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised NAAQS. These SIP submissions are commonly referred to as "infrastructure" SIPs.

II. What are the applicable elements under Sections 110(a)(1) and (2)?

On March 12, 2008, EPA promulgated a revised NAAQS for ozone based on 8-hour average concentrations. The level of the 2008 8-Hour ozone NAAQS (hereafter the 2008 O_3 NAAQS) was revised from 0.08 parts per million (ppm) to 0.075 ppm (73 FR 16436).

For the 2008 O_3 NAAQS, states typically have met many of the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous NAAQS. Nevertheless, pursuant to section 110(a)(1), states have to review and revise, as appropriate, their existing SIPs to ensure that the SIPs are adequate to address the 2008 O_3 NAAQS. To assist states in meeting this statutory requirement, EPA issued guidance on September 13, 2013 (2013 Guidance), addressing the infrastructure SIP elements required under section 110 (a)(1) and (2) for the 2008 O_3 NAAQS.[1] EPA will address these elements below under the following headings: (A) Emission limits and other control measures; (B) Ambient air quality monitoring/data system; (C) Program for enforcement of control measures (prevention of significant deterioration) (PSD)), New Source Review for nonattainment areas, and construction and modification of all stationary sources); (D) Interstate and international transport; (E) Adequate authority, resources, implementation, and oversight; (F) Stationary source monitoring system; (G) Emergency authority; (H) Future SIP revisions; (I) Nonattainment areas; (J) Consultation with government officials, public notification, prevention of significant deterioration (PSD), and visibility protection; (K) Air quality and modeling/data; (L) Permitting fees; and (M) Consultation/participation by affected local entities.

[1] Stephen D. Page, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards, "Guidance on Infrastructure State Implementation Plan (SIP) Elements Under Clean Air Act Sections 110(a)(1) and 110(a)(2)," Memorandum to EPA Regional Air Division Directors, Regions I–X, September 13, 2013.

III. What is EPA's approach to the review of infrastructure SIP submissions?

EPA is acting upon the March 19, 2013 and May 9, 2013, SIP submissions from Kansas that address the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2008 O_3 NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions "within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof)," and these SIP submissions are to provide for the "implementation, maintenance, and enforcement" of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that "[e]ach such plan" submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as "infrastructure SIP" submissions. Although the term "infrastructure SIP" does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as "nonattainment SIP" or "attainment plan SIP" submissions to address the nonattainment planning requirements of part D of title I of the CAA, "regional haze SIP" submissions required by EPA rule to address the

visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[2] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that "each" SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[3] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[4] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit "a plan" to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[5] Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[6]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[7]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the "applicable requirements" of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to

[2] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[3] See, e.g., "Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule," 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[4] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[5] See, e.g., "Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting," 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS," (78 FR 4337) (January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[6] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[7] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[8] EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[9] EPA developed the 2013 Guidance document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within the 2013 guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[10] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.*, whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and New Source Review (NSR) pollutants, including greenhouse gases (GHGs). By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, EPA evaluates whether the state has an EPA-approved minor NSR program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.*, already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and EPA's policies addressing such excess emissions ("SSM"); (ii) existing provisions related to "director's variance" or "director's discretion" that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's "Final NSR Improvement Rule," 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) ("NSR Reform"). Thus, EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[11] It is important to note that EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that

[8] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[9] "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," Memorandum from Stephen D. Page, September 13, 2013.

[10] EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I). EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City,* 696 F.3d7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

[11] By contrast, EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

relate to the three specific issues just described.

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of "implementation, maintenance, and enforcement" of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a "SIP call" whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[12] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[13] Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[14]

IV. What is EPA's evaluation of how the state addressed the relevant elements of sections 110(a)(1) and (2)?

EPA Region 7 received Kansas' infrastructure SIP submission for the 2008 O_3 standard on March 19, 2013, with a supplemental revision May 9, 2013. The SIP submissions became complete as a matter of law on September 19, 2013. EPA has reviewed Kansas' infrastructure SIP submission and the applicable statutory and regulatory authorities and provisions referenced in those submissions or referenced in Kansas' SIP. Below is EPA's evaluation of how the state addressed the relevant elements of section 110(a)(2) for the 2008 O_3 NAAQS.

(A) Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters as needed to implement, maintain and enforce each NAAQS.[15]

The State of Kansas' statutes and regulations authorize the Kansas Department of Health and Environment (KDHE) to regulate air quality and implement air quality control regulations. KDHE's statutory authority can be found in chapter 65, article 30 of the Kansas Statutes Annotated (KSA), otherwise known as the Kansas Air Quality Act. KSA section 65–3003 places the responsibility for air quality conservation and control of air pollution with the Secretary of Health and Environment ("Secretary"). The Secretary in turn administers the Kansas Air Quality Act through the Division of Environment within KDHE. Air pollution is defined in KSA section 65–3002(c) as the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property, or would contribute to the formation of regional haze.

KSA section 65–3005(a)(1) provides authority to the Secretary to adopt, amend and repeal rules and regulations implementing the Kansas Air Quality Act. It also gives the Secretary the authority to establish ambient air quality standards for the State of Kansas as a whole or for any part thereof. KSA section 65–3005(a)(12). The Secretary has the authority to promulgate rules and regulations to ensure that Kansas is in compliance with the provisions of the Act, in furtherance of a policy to implement laws and regulations consistent with those of the Federal government. KSA section 65–3005(b). The Secretary also has the authority to establish emission control requirements as appropriate to facilitate the accomplishment of the purposes of the

[12] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See "Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions," 74 FR 21639 (April 18, 2011).

[13] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See "Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule," 75 FR 82536 (December 30, 2010). EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. *See, e.g.*, 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[14] *See, e.g.*, EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). *See, e.g.*, 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (January 26, 2011) (final disapproval of such provisions).

[15] The specific nonattainment area plan requirements of section 110(a)(2)(I) are subject to the timing requirements of section 172, not the timing requirement of section 110(a)(1). Thus, section 110(a)(2)(A) does not require that states submit regulations or emissions limits specifically for attaining the 2008 O_3 NAAQS. Those SIP provisions are due as part of each state's attainment plan, and will be addressed separately from the requirements of section 110(a)(2)(A). In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS.

Kansas Air Quality Act. KSA section 65–3010(a).

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(A) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, SIP submissions.

(B) Ambient air quality monitoring/data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collection and analysis of ambient air quality data, and making these data available to EPA upon request.

To address this element, KSA section 65–3007 provides the enabling authority necessary for Kansas to fulfill the requirements of section 110(a)(2)(B). This provision gives the Secretary the authority to classify air contaminant sources which, in his or her judgment, may cause or contribute to air pollution. Furthermore, the Secretary has the authority to require such air contaminant sources to monitor emissions, operating parameters, ambient impacts of any source emissions, and any other parameters deemed necessary. The Secretary can also require these sources to keep records and make reports consistent with the Kansas Air Quality Act. KSA section 65–3007(b).

Kansas has an air quality monitoring network operated by KDHE and local air quality agencies that collects air quality data that are compiled, analyzed, and reported to EPA. KDHE's Web site contains up-to-date information about air quality monitoring, including a description of the network and information about the monitoring of O_3. *See, generally, http://www.kdheks.gov/bar/air-monitor/indexMon.html.* KDHE also conducts five-year monitoring network assessments, including the O_3 monitoring network, as required by 40 CFR 58.10(d). On December 3, 2013, EPA approved Kansas' 2013–2014 Ambient Air Monitoring Network Plan. This plan includes, among other things, the location for the O_3 monitoring network in Kansas. Specifically, KDHE operates nine ozone monitors in the state in accordance with the source-oriented ozone monitoring requirements of 40 CFR part 58, appendix D, paragraph 4.1(a). Data gathered by the monitors is submitted to EPA's Air Quality System, which in turn determines if the network site monitors are in compliance with the NAAQS.

Within KDHE, the Bureau of Air and Radiation implements these requirements. Along with its other duties, the Monitoring and Planning Section collects air monitoring data, quality assures the results, and reports the data. The data is then used to develop the appropriate regulatory or outreach strategies to reduce air pollution.

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(B) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, SIP submissions.

(C) Program for enforcement of control measures (PSD, New Source Review for nonattainment areas, and construction and modification of all stationary sources): Section 110(a)(2)(C) requires states to include the following three elements in the SIP: (1) A program providing for enforcement of all SIP measures described in section 110(a)(2)(A); (2) a program for the regulation of the modification and construction of stationary sources as necessary to protect the applicable NAAQS (i.e., state-wide permitting of minor sources); and (3) a permit program to meet the major source permitting requirements of the CAA (for areas designated as attainment or unclassifiable for the NAAQS in question).[16]

(1) *Enforcement of SIP Measures.* With respect to enforcement of requirements of the SIP, KSA section 65–3005(a)(3) gives the Secretary the authority to issue orders, permits and approvals as may be necessary to effectuate the purposes of the Kansas Air Quality Act and enforce the Act by all appropriate administrative and judicial proceedings. Pursuant to KSA section 65–3006, the Secretary also has the authority to enforce rules, regulations and standards to implement the Kansas Air Quality Act and to employ the professional, technical and other staff to effectuate the provisions of the Act. In addition, if the Secretary or the director of the Division of Environment finds that any person has violated any provision of any approval, permit or compliance plan or any provision of the Kansas Air Quality Act or any rule or regulation promulgated thereunder, he or she may issue an order directing the person to take such action as necessary to correct the violation. KSA section 65–3011.

KSA section 65–3018 gives the Secretary or the Director of the Division of Environment the authority to impose a monetary penalty against any person who, among other things, either violates any order or permit issued under the Kansas Air Quality Act, or violates any provision of the Act or rule or regulation promulgated thereunder. Section 65–3028 provides for criminal penalties for knowing violations.

(2) *Minor New Source Review.* Section 110(a)(2)(C) also requires that the SIP include measures to regulate construction and modification of stationary sources to protect the NAAQS. With respect to smaller sources that meet the criteria listed in KAR 28–19–300(b) "Construction Permits and Approvals," Kansas has a SIP-approved permitting program. Any person proposing to conduct a construction or modification at such a source must obtain approval from KDHE prior to commencing construction or modification. If KDHE determines that air contaminant emissions from a source will interfere with attainment or maintenance of the NAAQS, it cannot issue an approval to construct or modify that source (KAR 28–19–301(d) "Construction Permits and Approvals; Application and Issuance").

In this action, EPA is proposing to approve Kansas' infrastructure SIP for the 2008 O_3 standard with respect to the general requirement in section 110(a)(2)(C) to include a program in the SIP that regulates the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved. In this action, EPA is not proposing to approve or disapprove the state's existing minor NSR program to the extent that it is inconsistent with EPA's regulations governing this program. EPA has maintained that the CAA does not require that new infrastructure SIP submissions correct any defects in existing EPA-approved provisions of minor NSR programs in order for EPA to approve the infrastructure SIP for element (C) (*e.g.,* 76 FR 41076–41079).

(3) *Prevention of Significant Deterioration (PSD) permit program.* Kansas also has a program approved by EPA as meeting the requirements of part C, relating to prevention of significant deterioration of air quality. In order to demonstrate that Kansas has met this

[16] As discussed in further detail below, this infrastructure SIP rulemaking will not address the Kansas program for nonattainment area related provisions, since EPA considers evaluation of these provisions to be outside the scope of infrastructure SIP actions.

sub-element, this PSD program must cover requirements not just for the 2008 O_3 NAAQS, but for all other regulated NSR pollutants as well.

In a previous action on June 20, 2013, EPA determined that Kansas has a program in place that meets all the PSD requirements related to all other required pollutants (78 FR 37126). Therefore, Kansas has adopted all necessary provisions to ensure that its PSD program covers the requirements for the O_3 NAAQS and all other regulated NSR pollutants.

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(C) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, SIP submissions.

(D) Interstate and international transport: Section 110(a)(2)(D)(i) includes four requirements referred to as prongs 1 through 4. Prongs 1 and 2 are provided at section 110(a)(2)(D)(i)(I); Prongs 3 and 4 are provided at section 110(a)(2)(D)(i)(II). Section 110(a)(2)(D)(i)(I) requires SIPs to include adequate provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of any NAAQS in another state. Section 110(a)(2)(D)(i)(II) requires SIPs to include adequate provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required of any other state to prevent significant deterioration of air quality or to protect visibility.

In this notice, we are not proposing to take any actions related to the interstate transport requirements of section 110(a)(2)(D)(i)(I)—prongs 1 and 2. At this time, there is no SIP submission from Kansas relating to 110(a)(2)(D)(i)(I) for the 2008 O_3 NAAQS pending before the Agency.

With respect to the PSD requirements of section 110(a)(2)(D)(i)(II)—prong 3, EPA notes that Kansas' satisfaction of the applicable infrastructure SIP PSD requirements for attainment/unclassifiable areas of the 2008 O_3 NAAQS have been detailed in the section addressing section 110(a)(2)(C). EPA also notes that the proposed action in that section related to PSD is consistent with the proposed approval related to PSD for section 110(a)(2)(D)(i)(II).

With regard to the applicable requirements for visibility protection of section 110(a)(2)(D)(i)(II)—prong 4, states are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). The 2013 Guidance states that these requirements can be satisfied by an approved SIP addressing reasonably attributable visibility impairment, if required, and an approved SIP addressing regional haze.

Kansas meets this requirement through EPA's final approval of Kansas' regional haze plan on December 27, 2011 (76 FR 80754). In this final approval, EPA determined that the Kansas SIP met requirements of the CAA, for states to prevent any future and remedy any existing anthropogenic impairment of visibility in Class I areas caused by emissions of air pollutants located over a wide geographic area. Therefore, EPA is proposing to fully approve this aspect of the submission.

Section 110(a)(2)(D)(ii) also requires that the SIP insure compliance with the applicable requirements of sections 126 and 115 of the CAA, relating to interstate and international pollution abatement, respectively.

Section 126(a) of the CAA requires new or modified sources to notify neighboring states of potential impacts from sources within the state. The Kansas regulations address abatement of the effects of interstate pollution. For example, KAR 28–19–350(k)(2) "Prevention of Significant Deterioration (PSD) of Air Quality" requires KDHE, prior to issuing any construction permit for a proposed new major source or major modification, to notify EPA, as well as: any state or local air pollution control agency having jurisdiction in the air quality control region in which the new or modified installation will be located; the chief executives of the city and county where the source will be located; any comprehensive regional land use planning agency having jurisdiction where the source will be located; and any state, Federal land manager, or Indian governing body whose lands will be affected by emissions from the new source or modification.[17] *See also* KAR 28–19–204 "General Provisions; Permit Issuance and Modification; Public Participation" for additional public participation requirements. In addition, no Kansas source or sources have been identified by EPA as having any interstate impacts under section 126 in any pending actions relating to any air pollutant.

Section 115 of the CAA authorizes EPA to require a state to revise its SIP under certain conditions to alleviate international transport into another country. There are no final findings under section 115 of the CAA against Kansas with respect to any air pollutant. Thus, the state's SIP does not need to include any provisions to meet the requirements of section 115.

Based upon review of the state's infrastructure SIP submissions for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address sections 110(a)(2)(D)(i)(II)—Prongs 3 and 4 and 110 (a)(2)(D)(ii) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(E) Adequate authority, resources, implementation, and oversight: Section 110(a)(2)(E) requires that SIPs provide for the following: (1) Necessary assurances that the state (and other entities within the state responsible for implementing the SIP) will have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) requirements that the state comply with the requirements relating to state boards, pursuant to section 128 of the CAA; and (3) necessary assurances that the state has responsibility for ensuring adequate implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan.

(1) Section 110(a)(2)(E)(i) requires states to establish that they have adequate personnel, funding and authority. With respect to adequate authority, we have previously discussed Kansas' statutory and regulatory authority to implement the 2008 O_3 NAAQS, primarily in the discussion of section 110(a)(2)(A) above. Neither Kansas nor EPA has identified any legal impediments in the state's SIP to implementation of the NAAQS.

With respect to adequate resources, KDHE asserts that it has adequate personnel to implement the SIP. The Kansas statutes provide the Secretary the authority to employ technical, professional and other staff to effectuate the purposes of the Kansas Air Quality Act from funds appropriated and available for these purposes. *See* KSA section 65–3006(b). Within KDHE, the Bureau of Air and Radiation implements

[17] KAR 28–19–16k(b) provides similar requirements for construction permits issued in nonattainment areas.

the Kansas Air Quality Act. This Bureau is further divided into the Air Compliance and Enforcement Section, Air Permit Section; the Monitoring and Planning Section; and the Radiation and Asbestos Control Section.

With respect to funding, the Kansas Legislature annually approves funding and personnel resources for KDHE to implement the air program. The annual budget process provides a periodic update that enables KDHE and the local agencies to adjust funding and personnel needs. In addition, the Kansas statutes grant the Secretary authority to establish various fees for sources, to cover any and all parts of administering the provisions of the Kansas Air Quality Act. For example, KSA section 65–3008(f) grants the Secretary authority to fix, charge, and collect fees for construction approvals and permits (and the renewals thereof). KSA section 65–3024 grants the Secretary the authority to establish annual emissions fees. These emission fees, along with any moneys recovered by the state under the provisions of the Kansas Air Quality Act, are deposited into an air quality fee fund in the state treasury. Moneys in the air quality fee fund can only be used for the purpose of administering the Kansas Air Quality Act.

Kansas also uses funds in the non-Title V subaccounts, along with General Revenue funds and EPA grants under, for example, sections 103 and 105 of the Act, to fund the programs. EPA conducts periodic program reviews to ensure that the state has adequate resources and funding to, among other things, implement the SIP.

(2) Conflict of interest provisions—section 128. Section 110(a)(2)(E)(ii) requires that each state SIP meet the requirements of section 128, relating to representation on state boards and conflicts of interest by members of such boards. Section 128(a)(1) requires that any board or body which approves permits or enforcement orders under the CAA must have at least a majority of members who represent the public interest and do not derive any "significant portion" of their income from persons subject to permits and enforcement orders under the CAA. Section 128(a)(2) requires that members of such a board or body, or the head of an agency with similar powers, adequately disclose any potential conflicts of interest.

On June 20, 2013, EPA approved Kansas' SIP revision addressing the section 128 requirements (78 FR 37126). For a detailed discussion on EPA's analysis of how Kansas meets the section 128 requirements, see EPA's April 17, 2013, proposed approval of Kansas' 1997 and 2006 $PM_{2.5}$ infrastructure SIP (78 FR 22827).

(3) With respect to assurances that the state has responsibility to implement the SIP adequately when it authorizes local or other agencies to carry out portions of the plan, KSA section 65–3005(a)(8) grants the Secretary authority to encourage local units of government to handle air pollution problems within their own jurisdictions and to provide technical and consultative assistance therefor. The Secretary may also enter into agreements with local units of government to administer all or part of the provisions of the Kansas Air Quality Act in the units' respective jurisdictions. In fact, KSA section 65–3016 allows for cities and/or counties (or combinations thereof) to form local air quality conservation authorities. These authorities will then have the authority to enforce air quality rules and regulations adopted by the Secretary and adopt any additional rules, regulations and standards as needed to maintain satisfactory air quality within their jurisdictions.

At the same time, the Kansas statutes also retain authority in the Secretary to carry out the provisions of the state air pollution control law. KSA section 65–3003 specifically places responsibility for air quality conservation and control of air pollution with the Secretary. The Secretary shall then administer the Kansas Air Quality Act through the Division of Environment. As an example of this retention of authority, KSA section 65–3016 only allows for the formation of local air quality conservation authorities with the approval of the Secretary. In addition, although these authorities can adopt additional air quality rules, regulations and standards, they may only do so if those rules, regulations and standards are in compliance with those set by the Secretary for that area. Currently, KDHE oversees the following local agencies that implement that Kansas Air Quality Act: The City of Wichita Office of Environmental Health, Johnson County Department of Health and Environment, Shawnee County Health Agency, and Unified Government of Wyandotte County—Kansas City, Kansas Public Health Department.

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(E) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(F) Stationary source monitoring system: Section 110(a)(2)(F) requires states to establish a system to monitor emissions from stationary sources and to submit periodic emission reports. Each SIP shall require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources, to monitor emissions from such sources. The SIP shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and requires that the state correlate the source reports with emission limitations or standards established under the CAA. These reports must be made available for public inspection at reasonable times.

To address this element, KSA section 65–3007 gives the Secretary the authority to classify air contaminant sources which, in his or her judgment, may cause or contribute to air pollution. The Secretary shall require air contaminant emission sources to monitor emissions, operating parameters, ambient impact of any source emissions, and any other parameters deemed necessary. Furthermore, the Secretary may require these emissions sources to keep records and make reports consistent with the purposes of the Kansas Air Quality Act.

In addition, KAR 28–19–12(A) "Measurement of Emissions" states that KDHE may require any person responsible for the operation of an emissions source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe that existing emissions exceed limitations specified in the Kansas air quality regulations. At the same time, KDHE may also conduct its own tests of emissions from any source. KAR 28–19–12(B). The Kansas regulations also require that all Class I operating permits include requirements for monitoring of emissions (KAR 28–19–512(a)(9) "Class I Operating Permits; Permit Content").

Kansas makes all monitoring reports (as well as compliance plans and compliance certifications) submitted as part of a construction permit or Class I or Class II permit application publicly available. *See* KSA section 65–3015(a); KAR 28–19–204(c)(6) "General Provisions; Permit Issuance and Modification; Public Participation." KDHE uses this information to track progress towards maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and

determining compliance with emission regulations and additional EPA requirements. Although the Kansas statutes allow a person to request that records or information reported to KDHE be regarded and treated as confidential on the grounds that it constitutes trade secrets, emission data is specifically excluded from this protection. *See* KSA section 65–3015(b).

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(F) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(G) Emergency authority: Section 110(a)(2)(G) requires SIPs to provide for authority to address activities causing imminent and substantial endangerment to public health or welfare or the environment (comparable to the authorities provided in section 303 of the CAA), and to include contingency plans to implement such authorities as necessary.

KSA section 65–3012(a) states that whenever the Secretary receives evidence that emissions from an air pollution source or combination of sources presents an imminent and substantial endangerment to public health or welfare or to the environment, he or she may issue a temporary order directing the owner or operator, or both, to take such steps as necessary to prevent the act or eliminate the practice. Upon issuance of this temporary order, the Secretary may then commence an action in the district court to enjoin these acts or practices.

KAR 28–19–56 "Episode Criteria" allows the Secretary to proclaim an air pollution alert, air pollution warning, or air pollution emergency whenever he or she determines that the accumulation of air contaminants at any sampling location has attained levels which could, if such levels are sustained or exceeded, threaten the public health. KAR 28–19–57 "Emission Reduction Requirements" imposes restrictions on emission sources in the event one of these three air pollution episode statuses is declared.

Based upon review of the state's infrastructure SIP submissions for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in those submissions or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses section 110(a)(2)(G) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(H) Future SIP revisions: Section 110(a)(2)(H) requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS.

KSA section 65–3005(b) specifically states that it is the policy of the state of Kansas to regulate the air quality of the state and implement laws and regulations that are applied equally and uniformly throughout the state and consistent with that of the Federal government. Therefore, the Secretary has the authority to promulgate rules and regulations to ensure that Kansas is in compliance with the provisions of the Federal CAA. KSA 65–3005(b)(1).

As discussed previously, KSA section 65–3005(a)(1) provides authority to the Secretary to adopt, amend and repeal rules and regulations implementing and consistent with the Kansas Air Quality Act. The Secretary also has the authority to establish ambient air quality standards for the state of Kansas or any part thereof. KSA section 65–3005(a)(12). Therefore, as a whole, the Secretary has the authority to revise rules as necessary to respond to any necessary changes in the NAAQS.

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has adequate authority to address section 110(a)(2)(H) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 19, 2013, submissions.

(I) Nonattainment areas: Section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas.

As noted earlier, EPA does not expect infrastructure SIP submissions to address subsection (I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. Instead, EPA will take action on part D attainment plan SIP submissions through a separate rulemaking governed by the requirements for nonattainment areas, as described in part D.

(J) Consultation with government officials, public notification, PSD and visibility protection: Section 110(a)(2)(J) requires SIPs to meet the applicable requirements of the following CAA provisions: (1) Section 121, relating to interagency consultation regarding certain CAA requirements; (2) section 127, relating to public notification of NAAQS exceedances and related issues; and (3) part C of the CAA, relating to prevention of significant deterioration of air quality and visibility protection.

(1) With respect to interagency consultation, the SIP should provide a process for consultation with general-purpose local governments, designated organizations of elected officials of local governments, and any Federal Land Manager having authority over Federal land to which the SIP applies. KSA section 65–3005(a)(14) grants the Secretary the authority to advise, consult and cooperate with other agencies of the state, local governments, other states, interstate and interlocal agencies, and the Federal government. Furthermore, as noted earlier in the discussion on section 110(a)(2)(D), Kansas' regulations require that whenever it receives a construction permit application for a new source or a modification, KDHE must notify state and local air pollution control agencies, as well as regional land use planning agencies and any state, Federal land manager, or Indian governing body whose lands will be affected by emissions from the new source or modification. *See* KAR 28–19–350(k)(2) "Prevention of Significant Deterioration (PSD) of Air Quality."

(2) With respect to the requirements for public notification in section 127, the infrastructure SIP should provide citations to regulations in the SIP requiring the air agency to regularly notify the public of instances or areas in which any NAAQS are exceeded; advise the public of the health hazard associated with such exceedances; and enhance public awareness of measures that can prevent such exceedances and of ways in which the public can participate in the regulatory and other efforts to improve air quality.

As discussed previously with element (G), KAR 28–19–56 "Episode Critera" contains provisions that allow the Secretary to proclaim an air pollution alert, air pollution warning, or air pollution emergency status whenever he or she determines that the accumulation of air contaminants at any sampling location has attained levels which could, if such levels are sustained or exceeded, threaten the public health.

Any of these emergency situations can also be declared by the Secretary even in the absence of issuance of a high air pollution potential advisory or equivalent advisory from a local weather bureau meteorologist, if deemed necessary to protect the public health. In the event of such an emergency situation, public notification will occur through local weather bureaus.

In addition, information regarding air pollution and related issues is provided on a KDHE Web site, *http://www.kdheks.gov/bar/*. This information includes air quality data, information regarding the NAAQS, health effects of poor air quality, and links to the Kansas Air Quality Monitoring Network. KDHE also has an "Outreach and Education" Web page (*http://www.kdheks.gov/bar/air_outreach/air_quality_edu.htm*) with information on how individuals can take measures to reduce emissions and improve air quality in daily activities.

(3) With respect to the applicable requirements of part C of the CAA, relating to PSD of air quality and visibility protection, as noted in above under element (C), the Kansas SIP meets the PSD requirements, incorporating the Federal rule by reference. With respect to the visibility component of section 110(a)(2)(J), EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. However, when EPA establishes or revises a NAAQS, these visibility and regional haze requirements under part C do not change. EPA believes that there are no new visibility protection requirements under part C as a result of a revised NAAQS. Therefore, there are no newly applicable visibility protection obligations pursuant to element J after the promulgation of a new or revised NAAQS.

Nevertheless, as noted above in section D, EPA has already approved Kansas' Regional Haze Plan and determined that it met the CAA requirements for preventing future and remedying existing impairment of visibility caused by air pollutants.

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has met the applicable requirements of section 110(a)(2)(J) for the 2008 O_3 NAAQS in the state and is therefore proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(K) Air quality and modeling/data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling, as prescribed by EPA, to predict the effects on ambient air quality of any emissions of any NAAQS pollutant, and for submission of such data to EPA upon request.

Kansas has authority to conduct air quality modeling and report the results of such modeling to EPA. KSA section 65–3005(a)(9) gives the Secretary the authority to encourage and conduct studies, investigations and research relating to air contamination and air pollution and their causes, effects, prevention, abatement and control. As an example of regulatory authority to perform modeling for purposes of determining NAAQS compliance, the regulations at KAR 28–19–350 "Prevention of Significant Deterioration (PSD) of Air Quality" incorporate EPA modeling guidance in 40 CFR part 51, appendix W for the purposes of demonstrating compliance or non-compliance with a NAAQS.

The Kansas statutes and regulations also give KDHE the authority to require that modeling data be submitted for analysis. KSA section 65–3007(b) grants the Secretary the authority to require air contaminant emission sources to monitor emissions, operating parameters, ambient impact of any source emissions or any other parameters deemed necessary. The Secretary may also require these sources to keep records and make reports consistent with the purposes of the Kansas Air Quality Act. These reports could include information as may be required by the Secretary concerning the location, size, and height of contaminant outlets, processes employed, fuels used, and the nature and time periods or duration of emissions, and such information as is relevant to air pollution and available or reasonably capable of being assembled. KSA section 65–3007(c).

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(K) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(L) Permitting Fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to the permitting authority, as a condition of any permit required under the CAA, to cover the cost of reviewing and acting upon any application for such a permit, and, if the permit is issued, the costs of implementing and enforcing the terms of the permit. The fee requirement applies until a fee program established by the state pursuant to Title V of the CAA, relating to operating permits, is approved by EPA.

KSA section 65–3008(f) allows the Secretary to fix, charge, and collect fees for approvals and permits (and the renewals thereof). KSA section 65–3024 grants the Secretary the authority to establish annual emissions fees. Fees from the construction permits and approvals are deposited into the Kansas state treasury and credited to the state general fund. Emissions fees are deposited into an air quality fee fund in the Kansas state treasury. Moneys in the air quality fee fund can only be used for the purpose of administering the Kansas Air Quality Act.

Kansas' Title V program, found at KAR 28–19–500 to 28–19–564, was approved by EPA on January 30, 1996 (61 FR 2938). EPA reviews the Kansas Title V program, including Title V fee structure, separately from this proposed action. Because the Title V program and associated fees legally are not part of the SIP, the infrastructure SIP action we are proposing today does not preclude EPA from taking future action regarding Kansas' Title V program.

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that the requirements of section 110(a)(2)(L) for the 2008 O_3 NAAQS are met and is proposing to approve this element of the March 13, 2013, and May 9, 2013, submissions.

(M) Consultation/participation by affected local entities: Section 110(a)(2)(M) requires SIPs to provide for consultation and participation by local political subdivisions affected by the SIP.

KSA section 65–3005(a)(8)(A) gives the Secretary the authority to encourage local units of government to handle air pollution problems within their respective jurisdictions and on a cooperative basis and to provide technical and consultative assistance therefor. The Secretary may also enter into agreements with local units of government to administer all or part of the provisions on the Kansas Air Quality Act in the units' respective jurisdiction. The Secretary also has the authority to advise, consult, and cooperate with local governments. KSA section 65–3005(a)(14). He or she may enter into contracts and agreements with local governments as is necessary

to accomplish the goals of the Kansas Air Quality Act. KSA section 65–3005(a)(16).

Currently, KDHE's Bureau of Air and Radiation has signed state and/or local agreements with the Department of Air Quality from the Unified Government of Wyandotte County—Kansas City, Kansas; the Wichita Office of Environmental Health; the Shawnee County Health Department, the Johnson County Department of Health and Environment; and the Mid-America Regional Council. These agreements establish formal partnerships between the Bureau of Air and Radiation and these local agencies to work together to develop and annually update strategic goals, objectives and strategies for reducing emissions and improving air quality.

In addition, as previously noted in the discussion about section 110(a)(2)(J), Kansas' statutes and regulations require that KDHE consult with local political subdivisions for the purposes of carrying out its air pollution control responsibilities.

Based upon review of the state's infrastructure SIP submission for the 2008 O_3 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(M) for the 2008 O_3 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

V. What action is EPA proposing?

EPA is proposing to approve the infrastructure SIP submissions from Kansas which address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2008 O_3 NAAQS. Specifically, EPA is proposing to approve the following infrastructure elements, or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). As discussed in each applicable section of this rulemaking, EPA is not proposing action on section 110(a)(2)(D)(i)(I), section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D, and on the visibility protection portion of section 110(a)(2)(J).

Based upon review of the state's infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in that submission or referenced in Kansas' SIP, EPA believes that Kansas has the infrastructure to address all applicable required elements of sections 110(a)(1) and (2) (except otherwise noted) to ensure that the 2008 O_3 NAAQS are implemented in the state.

We are hereby soliciting comment on this proposed action. Final rulemaking will occur after consideration of any comments.

VI. Statutory and Executive Order Review

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 proposed action:

- Is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

Statutory Authority

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

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

Dated: July 1, 2014.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2014–16741 Filed 7–15–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0140, FRL–9913–83–Region 10]

Approval and Promulgation of Implementation Plans; Alaska: Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter and 2008 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the Alaska State Implementation Plan (SIP) as meeting specific infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for fine particulate matter ($PM_{2.5}$) on July 18, 1997, and October 17, 2006, and for ozone on March 12, 2008. Whenever a new or revised NAAQS is promulgated, the CAA requires states to submit a plan for the implementation, maintenance and enforcement of such NAAQS. The plan is required to address basic program elements, including but not limited to regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to implement, maintain, and enforce the standards. These elements are referred to as infrastructure requirements. As discussed further below, final action is

contingent upon the EPA first taking final action on separately-submitted revisions to the Alaska SIP to reflect changes to the NAAQS and associated Federal prevention of significant deterioration permitting requirements. Final action on those SIP revisions will be addressed in a separate action.

DATES: Comments must be received on or before August 15, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2014–0140, by any of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Email: *R10-Public_Comments@epa.gov.*
- Mail: Kristin Hall, EPA Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- Hand Delivery: EPA Region 10 Mailroom, 9th Floor, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Kristin Hall, Office of Air, Waste and Toxics, AWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2014–0140. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at (206) 553–6357, *hall.kristin@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we," "us" or "our" is used, it is intended to refer to the EPA. Information is organized as follows:

Table of Contents

I. Background

On July 18, 1997, the EPA promulgated a new 24-hour and a new annual NAAQS for fine particulate matter ($PM_{2.5}$) (62 FR 38652). More recently, on October 17, 2006, the EPA revised the standards for $PM_{2.5}$, tightening the 24-hour $PM_{2.5}$ standard from 65 micrograms per cubic meter (μ/m^3) to 35 μ/m^3, and retaining the current annual $PM_{2.5}$ standard at 15 μ/m^3 (71 FR 61144). In addition, on March 12, 2008, the EPA revised the levels of the primary and secondary 8-hour ozone standards to 0.075 parts per million (73 FR 16436).

The CAA requires SIPs meeting the requirements of sections 110(a)(1) and (2) be submitted by states within three years after promulgation of a new or revised standard. Sections 110(a)(1) and (2) require states to address basic SIP requirements, so-called "infrastructure" elements. To assist states, the EPA issued several guidance documents. On October 2, 2007, the EPA issued guidance to address infrastructure SIP elements for the 1997 ozone and 1997 $PM_{2.5}$ NAAQS.[1] On September 25, 2009, the EPA issued guidance to address infrastructure SIP elements for the 2006 24-hour $PM_{2.5}$ NAAQS.[2] On September 13, 2013, the EPA issued guidance to address infrastructure SIP elements for multiple pollutants, including the 2008 ozone NAAQS.[3] As noted in the guidance documents, to the extent an existing SIP already meets the CAA section 110(a)(2) requirements, states may certify that fact via a letter to the EPA.

On July 9, 2012, the Alaska Department of Environmental Conservation (ADEC) submitted to the EPA a certification that Alaska's SIP meets the infrastructure requirements for multiple NAAQS, including the 1997 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, 2008 ozone, and 2008 lead NAAQS. The certification included an analysis of Alaska's SIP as it relates to each section of the infrastructure requirements at CAA section 110(a)(2). The State provided notice of public comment and an opportunity for public hearing on the submission from March 4, 2012, through April 10, 2012. Notices were published in the *Anchorage Daily News* on March 4 and March 5, 2012, the *Fairbanks Daily News-Miner* on March 5 and March 6, 2012, and the *Juneau Empire* on March 6, 2012. The State extended the comment period to April 24, 2012, and provided notice of the extension in the same publications. The EPA has evaluated the State's July 9, 2012, submission and determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA.

Previously, on March 29, 2011, Alaska submitted the "Alaska Interstate Transport of Pollution SIP" to address the requirements of CAA section 110(a)(2)(D)(i) for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS. The State provided notice and an opportunity for public comment on the submission from October 7, 2010, through November 19,

[1] William T. Harnett, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards. "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards." Memorandum to EPA Air Division Directors, Regions I–X, October 2, 2007.

[2] William T. Harnett, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards. "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS)." Memorandum to Regional Air Division Directors, Regions I–X, September 25, 2009.

[3] Stephen D. Page, Director, Office of Air Quality Planning and Standards. "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)." Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

2010. A notice of public hearing was published in the *Anchorage Daily News* and the *Fairbanks Daily News-Miner* on October 9, October 10, and October 11, 2010, and the *Peninsula Clarion* on October 25, October 26, and October 27, 2010. The State extended the comment period to December 6, 2010, and provided notice of the extension in the same publications. The State held a public hearing on November 16, 2010, in Anchorage, Alaska. The EPA has evaluated the State's March 29, 2011, submission and determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA.

At this time, the EPA is acting on the Alaska submissions for 110(a)(2) required elements as they relate to the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. This action does not address the CAA infrastructure requirements with respect to the 1997 ozone NAAQS, which we approved on October 22, 2012 (77 FR 64425). This action also does not address the CAA infrastructure requirements of the 2008 lead NAAQS, which we intend to address in a separate action. This action also does not address the interstate transport requirements of CAA section 110(a)(2)(D)(i) for the 1997 $PM_{2.5}$ NAAQS, which we previously approved on October 15, 2008 (73 FR 60955), nor the interstate transport requirements of 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS which we are addressing in a separate action (proposed April 28, 2014, 79 FR 23303). Finally, this action does not address the emergency episode requirements of 110(a)(2)(G) for the 1997 $PM_{2.5}$ and 2006 $PM_{2.5}$ NAAQS. We intend to address them in a separate action.

II. CAA Sections 110(a)(1) and (2) Infrastructure Elements

CAA section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. CAA section 110(a)(2) lists specific elements that states must meet for "infrastructure" SIP requirements related to a newly established or revised NAAQS. These requirements include SIP infrastructure elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. The requirements, with their corresponding CAA subsection, are listed below:

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.
- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency power.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and meet the applicable requirements of part D.
- 110(a)(2)(J): Consultation with government officials; public notification; and Prevention of Significant Deterioration (PSD) and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

The EPA's guidance clarified that two elements identified in CAA section 110(a)(2) are not governed by the three year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time the nonattainment area plan requirements are due pursuant to CAA section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) Submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR) or CAA section 110(a)(2)(I). Furthermore, the EPA interprets the CAA section 110(a)(2)(J) provision on visibility as not being triggered by a new NAAQS because the visibility requirements in part C, title I of the CAA are not changed by a new NAAQS.

III. EPA Approach To Review of Infrastructure SIP Submissions

The EPA is acting upon the SIP submissions from Alaska that address the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions "within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof)," and these SIP submissions are to provide for the "implementation, maintenance, and enforcement" of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon the EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that "[e]ach such plan" submission must address.

The EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as "infrastructure SIP" submissions. Although the term "infrastructure SIP" does not appear in the CAA, the EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as "nonattainment SIP" or "attainment plan SIP" submissions to address the nonattainment planning requirements of part D of title I of the CAA, "regional haze SIP" submissions required by the EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[4] The EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, the EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for

[4] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for the EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that "each" SIP submission must meet the list of requirements therein, while the EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the CAA, which specifically address nonattainment SIP requirements.[5] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires the EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[6] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, the EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether the EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit "a plan" to meet these requirements, the EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, the EPA can elect to act on such submissions either individually or in a larger combined action.[7] Similarly, the EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, the EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[8]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, the EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[9]

The EPA notes that interpretation of section 110(a)(2) is also necessary when the EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, the EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the "applicable requirements" of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), the EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, the EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, the EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, the EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[10] The EPA most

[5] See, e.g., "Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call; Final Rule," 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[6] The EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[7] See, e.g., "Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting," 78 FR 4339 (January 22, 2013) (the EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of the EPA's 2008 $PM_{2.5}$ NSR rule), and "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS," (78 FR 4337) (January 22, 2013) (the EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[8] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to the EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). The EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), the EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submission.

[9] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[10] The EPA notes, however, that nothing in the CAA requires the EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not the EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[11] The EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, the EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. The EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[12] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, the EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, the EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, the EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains the EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.*, whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in the EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, the EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and the EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including greenhouse gases. By contrast, structural PSD program requirements do not include provisions that are not required under the EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions the EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, the EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia*, the requirement that states have a program to regulate minor new sources. Thus, the EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, the EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.*, already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, the EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and the EPA's policies addressing such excess emissions ("SSM"); (ii) existing provisions related to "director's variance" or "director's discretion" that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by the EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of the EPA's "Final NSR Improvement Rule," 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007). Thus, the EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[13] It is important to note that the EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

The EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. The EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and the EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of "implementation, maintenance, and enforcement" of a new or revised NAAQS when the EPA evaluates adequacy of the infrastructure SIP submission. The EPA believes that a better approach is for states and the EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, the EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility

[11] "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," Memorandum from Stephen D. Page, September 13, 2013.

[12] The EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions regarding section 110(a)(2)(D)(i)(I).

[13] By contrast, the EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then the EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, the EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow the EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes the EPA to issue a "SIP call" whenever the EPA determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[14] Section 110(k)(6) authorizes the EPA to correct errors in past actions, such as past approvals of SIP submissions.[15] Significantly, the EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude the EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, the EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[16]

IV. Analysis of the Alaska Submissions

The July 9, 2012, submission summarizes ADEC's statutory and regulatory authority to act on behalf of the State of Alaska in any matter pertaining to the state air quality control plan. The submission lists specific provisions of the Alaska Statute (AS) Title 46 Water, Air Energy and Environmental Conservation, Chapter 03 Environmental Conservation and Chapter 14 Air Quality Control; Alaska Administrative Code (AAC) Title 18 Environmental Conservation (18 AAC 50); and the Alaska SIP. The specific sections are listed below, with a discussion of how the Alaska SIP meets the requirements. We note that on May 5, 2014, we proposed to approve a number of revisions to the Alaska SIP, including revisions to update the SIP to reflect changes to the NAAQS and Federal prevention of significant deterioration (PSD) permitting requirements associated with the NAAQS (79 FR 25533). Final action on this infrastructure SIP is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of those separately submitted revisions to the Alaska SIP to implement the NAAQS and Federal PSD permitting requirements. Final action on those SIP revisions will be addressed in a separate action.

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submission: The July 9, 2012, submission cites Alaska environmental and air quality laws set forth at AS 46.03 and AS 46.14 and State regulations set forth at 18 AAC 50. AS 46.03.020 "Powers of the department" provides authority for ADEC to adopt regulations providing for control, prevention, and abatement of air, water, land or subsurface land pollution. AS 46.03.860 "Inspection warrant" provides authority for ADEC to investigate actual or suspected sources of pollution or contamination, or to ascertain compliance or noncompliance. AS 46.14.010 "Emission control regulations" provides authority for ADEC to adopt regulations establishing ambient air quality standards, emission standards, or exemptions to implement a state air quality control program. AS 46.14.240 "Permit administration fees" and AS 46.14.250 "Emission fees" provide authority to assess permit administration fees and emission fees to sources. AS 46.14.515 "Inspection" provides authority to inspect regulated sources, including records, emissions units, monitoring equipment or methods, and to sample any emissions the source is required to sample.

The regulations cited by ADEC include statewide ambient air quality standards, major and minor permits, emission limits for specific sources, transportation conformity and fees. The relevant regulations are listed below:

- 18 AAC 50.005: Purpose and Applicability of Chapter.
- 18 AAC 50.010: Ambient Air Quality Standards.
- 18 AAC 50.035: Documents, Procedures, and Methods Adopted by Reference.
- 18 AAC 50.040: Federal Standards Adopted by Reference.
- 18 AAC 50.045: Prohibitions.
- 18 AAC 50.050: Incinerator Emission Standards.
- 18 AAC 50.055: Industrial Processes and Fuel Burning Equipment.
- 18 AAC 50.060: Pulp Mills.
- 18 AAC 50.065: Open Burning.
- 18 AAC 50.070: Marine Vessel Visible Emission Standards.
- 18 AAC 50.075: Wood Fired Heating Devices Visible Emission Standards.
- 18 AAC 50.201: Ambient Air Quality Investigation.
- 18 AAC 50.302: Construction Permits.
- 18 AAC 50.306: Prevention of Significant Deterioration Permits.
- 18 AAC 50.345: Construction and Operating Permits: Standard Permit Conditions.
- 18 AAC 50.400–18 AAC 50.499: User Fees.
- 18 AAC 50.502: Minor Permits for Air Quality Protection.
- 18 AAC 50.540: Minor Permit Application.
- 18 AAC 50.542: Minor Permit Review and Issuance.
- 18 AAC 50.544: Minor Permits: Content.
- 18 AAC 50.700–18 AAC 50.735: Conformity.

[14] For example, the EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See "Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions," 74 FR 21639 (April 18, 2011).

[15] The EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See "Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule," 75 FR 82536 (December 30, 2010). The EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[16] See, e.g., the EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

• 18 AAC 50.990: Definitions.

EPA analysis: Alaska generally regulates emissions of $PM_{2.5}$ and its precursors, and ozone precursors through its SIP-approved major and minor new source review (NSR) permitting programs, in addition to other rules described below. We note that the EPA does not consider SIP requirements triggered by the nonattainment area mandates in part D, title I of the CAA to be governed by the submission deadline of CAA section 110(a)(1). Regulations and other control measures for purposes of attainment planning under part D, title I of the CAA are due on a different schedule than infrastructure SIPs.

Alaska's major NSR program generally incorporates the Federal PSD and nonattainment NSR programs by reference into the Alaska SIP. The EPA most recently proposed approval of revisions to Alaska's major and minor NSR permitting programs on May 5, 2014 (79 FR 25533). After finalizing the May 5, 2014, proposed action, the Alaska SIP will incorporate by reference Federal PSD requirements at 40 CFR 52.21 and 40 CFR 51.166 revised as of July 1, 2011.

With respect to Alaska's minor NSR permitting program, at 18 AAC 50.502–18 AAC 50.544, we have determined that the program regulates minor sources for purposes of the 1997 and 2006 $PM_{2.5}$ NAAQS and the 2008 ozone NAAQS. In addition to Alaska's major and minor NSR permitting programs, Alaska's SIP contains rules that establish various controls on emissions of particulate matter and its precursors. These controls include incinerator emission standards, emission limits for specific industrial processes and fuel burning equipment, emission limits for pulp mills, open burning controls, and visible emission limits on marine vessel emissions and wood-fired heating devices.

Based on the foregoing, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(A) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. Final action is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of revisions to the Alaska SIP to reflect changes to the NAAQS and Federal PSD permitting requirements.

In this action, we are not proposing to approve or disapprove any existing state provisions with regard to excess emissions during startup, shutdown, or malfunction (SSM) of operations at a facility. The EPA believes that a number of states may have SSM provisions that are contrary to the CAA and existing EPA guidance[17] and the EPA plans to address such state regulations in the future. In the meantime, we encourage any state having a deficient SSM provision to take steps to correct it as soon as possible.

In addition, we are not proposing to approve or disapprove any existing State rules with respect to director's discretion or variance provisions. The EPA believes that a number of states may have such provisions that are contrary to the CAA and existing EPA guidance (November 24, 1987, 52 FR 45109), and the EPA plans to take action in the future to address such state regulations. In the meantime, we encourage any state having a director's discretion or variance provision that is contrary to the CAA and EPA guidance to take steps to correct the deficiency as soon as possible.

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

State submission: The July 9, 2012, submission references Alaska statutory and regulatory authority to conduct ambient air monitoring investigations. AS 46.03.020 "Powers of the department" paragraph (5) provides authority to undertake studies, inquiries, surveys, or analyses essential to the accomplishment of the purposes of ADEC. AS 46.14.180 "Monitoring" provides authority to require sources to monitor emissions and ambient air quality to demonstrate compliance with applicable permit program requirements. 18 AAC 50.201 "Ambient Air Quality Investigation" provides authority to require a source to do emissions testing, reduce emissions, and apply controls to sources.

The submission also describes Memoranda of Understanding between ADEC and the Municipality of Anchorage (MOA) and Fairbanks North Star Borough (FNSB) to operate air quality control programs in their respective jurisdictions. ADEC's Air Non-Point Mobile Source Program and Air Monitoring & Quality Assurance Program work with MOA and FNSB to prepare Alaska's annual ambient air monitoring network plan, the most recent of which is the 2012 Alaska Air Monitoring Network Plan. Alaska collects and validates State and Local Air Monitoring Stations and Special Purpose Monitoring ambient air quality monitoring data and electronically reports these data to the EPA through the Air Quality System (AQS) on a quarterly basis. ADEC's revised "Quality Assurance Project Plan for the State of Alaska Air Monitoring and Quality Assurance Program" was adopted by reference into the State Air Quality Control Plan on October 29, 2010.

EPA analysis: A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58 was submitted by Alaska to the EPA on January 18, 1980 (40 CFR 52.70) and approved by the EPA on April 15, 1981. This air quality monitoring plan has been subsequently updated and approved by the EPA on March 10, 2014. This plan includes, among other things, the locations for ozone and particulate matter monitoring. Alaska makes this plan available for public review at *http://www.dec.state.ak.us/air/am/index.htm.* Based on the foregoing, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(B) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submission: The July 9, 2012, submission refers to ADEC's statutory authority to regulate stationary sources via an air permitting program established in AS 46.14 "Air Quality Control," Article 01 "General Regulations and Classifications" and Article 02 "Emission Control Permit Program." The submission states that ADEC's PSD/NSR programs were approved by the EPA on August 14, 2007 (72 FR 45378). The submission references the following regulations:

• 18 AAC 50.045: Prohibitions.

[17] For further description of the EPA's SSM Policy, see, e.g., a memorandum dated September 20, 1999, titled, "State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown," from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation. Also, the EPA issued a proposed action on February 12, 2013, titled "State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction." This rulemaking responds to a petition for rulemaking filed by the Sierra Club that concerns SSM provisions in 39 states' SIPs (February 22, 2013, 78 FR 12460).

- 18 AAC 50.302: Construction Permits.
- 18 AAC 50.306: Prevention of Significant Deterioration Permits.
- 18 AAC 50.345: Construction and Operating Permits: Standard Permit Conditions.
- 18 AAC 50.508: Minor Permits Requested by the Owner or Operator.
- 18 AAC 50.540: Minor Permit: Application.
- 18 AAC 50.542: Minor Permit Review and Issuance.
- 18 AAC 50.542(c): Screening Ambient Air Quality Analysis.

The submission states that a violation of the prohibitions in the regulations above, or any permit condition, can result in civil actions (AS 46.03.760 "Civil action for pollution; damages"), administrative penalties (AS 46.03.761 "Administrative penalties"), or criminal penalties (AS 46.03.790 "Criminal penalties"). In addition, Alaska refers to regulations pertaining to compliance orders and enforcement proceedings found at 18 AAC Chapter 95 "Administrative Enforcement." Finally, AS 46.03.820 "Emergency Powers" provides ADEC with emergency order authority where there is an imminent and present danger to health or welfare.

EPA analysis: With respect to the requirement to have a program providing for enforcement of all SIP measures, we are proposing to find that Alaska statute provides ADEC with authority to enforce air quality regulations, permits, and orders promulgated pursuant to AS 46.03 and AS 46.14. ADEC staffs and maintains an enforcement program to ensure compliance with SIP requirements. ADEC has emergency order authority when there is an imminent or present danger to health or welfare or potential for irreversible or irreparable damage to natural resources or the environment. Enforcement cases may be referred to the State Department of Law. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C) related to enforcement for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

To generally meet the requirements of CAA section 110(a)(2)(C) with respect to the regulation of construction of new or modified stationary sources, the State is required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. As explained above, we are not evaluating nonattainment related provisions, such as the nonattainment NSR program required by part D, title I of the CAA.

The EPA originally approved Alaska's PSD/NSR program on February 16, 1995 (60 FR 8943), and we most recently proposed revisions on May 5, 2014 (79 FR 25533). These revisions, among other things, update the Alaska PSD program for fine particulate matter implementation in attainment and unclassifiable areas. Previously on February 9, 2011, we approved a revision to the Alaska SIP to provide authority to implement the PSD permitting program with respect to greenhouse gas emissions (76 FR 7116). Alaska's PSD program generally incorporates by reference the Federal PSD program requirements at 40 CFR 52.21. In some cases, ADEC adopted provisions of 40 CFR 51.166 rather than the comparable provisions of 40 CFR 52.21 because 40 CFR 51.166 was a better fit for a SIP-approved PSD program.

Upon finalization of the May 5, 2014, proposed approval of revisions to the Alaska PSD program, the State's Federally-approved SIP will incorporate by reference PSD requirements at 40 CFR 52.21 and 40 CFR 51.166 revised as of July 1, 2011. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C) with respect to PSD for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. Final action is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of revisions to the Alaska SIP to reflect changes to the NAAQS and Federal PSD permitting requirements.

We note that on January 4, 2013, the U.S. Court of Appeals in the District of Columbia, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir.), issued a judgment that remanded two of the EPA's rules implementing the 1997 $PM_{2.5}$ NAAQS, including the "Implementation of New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)," (73 FR 28321, May 16, 2008) (2008 $PM_{2.5}$ NSR Implementation Rule). The court ordered the EPA to "repromulgate these rules pursuant to Subpart 4 consistent with this opinion." *Id.* at 437. Subpart 4 of part D, title I of the CAA establishes additional provisions for particulate matter nonattainment areas. The 2008 $PM_{2.5}$ NSR Implementation Rule addressed by the court's decision promulgated NSR requirements for implementation of $PM_{2.5}$ in both nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). As the requirements of subpart 4 only pertain to nonattainment areas, the EPA does not consider the portions of the 2008 $PM_{2.5}$ NSR Implementation Rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas to be affected by the court's opinion. Moreover, the EPA does not anticipate the need to revise any PSD requirements promulgated in the 2008 $PM_{2.5}$ NSR Implementation Rule in order to comply with the court's decision. Accordingly, the EPA's proposed approval of elements 110(a)(2)(C), (D)(i)(II), and (J), with respect to the PSD requirements, does not conflict with the court's opinion. The EPA interprets the CAA section 110(a)(1) and (2) infrastructure submissions due three years after adoption or revision of a NAAQS to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which are due by the dates statutorily prescribed under subparts 2 through 5 under part D, extending as far as ten years following designations for some elements.

In addition, on January 22, 2013, the U.S. Court of Appeals for the District of Columbia, in *Sierra Club* v. *EPA,* 703 F.3d 458 (D.C. Cir. 2013), issued a judgment that, *inter alia,* vacated the provisions adding the $PM_{2.5}$ Significant Monitoring Concentration (SMC) to the Federal regulations, at 40 CFR 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*), that were promulgated as part of the "Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC); Final Rule," (75 FR 64864, October 10, 2010) (2010 PSD $PM_{2.5}$ Implementation Rule). In its decision, the court held that the EPA did not have the authority to use SMCs to exempt permit applicants from the statutory requirement in section 165(e)(2) of the CAA that ambient monitoring data for $PM_{2.5}$ be included in all PSD permit applications. Thus, although the $PM_{2.5}$ SMC was not a required element of a state's PSD program, were a state PSD program that contains such a provision to use that provision to issue new permits without requiring ambient $PM_{2.5}$ monitoring data, such application of the vacated SMC would be inconsistent with the court's opinion and the requirements of section 165(e)(2) of the CAA.

This decision also, at the EPA's request, vacated and remanded to the EPA for further consideration the portions of the 2010 PSD $PM_{2.5}$ Implementation Rule that revised 40 CFR 51.166 and 40 CFR 52.21 related to

Significant Impact Levels (SILs) for $PM_{2.5}$. The EPA requested this vacatur and remand of two of the three provisions in the EPA regulations that contain SILs for $PM_{2.5}$, because the wording of these two SIL provisions (40 CFR 51.166(k)(2) and 40 CFR 52.21(k)(2)) is inconsistent with the explanation of when and how SILs should be used by permitting authorities that we provided in the preamble to the **Federal Register** publication when we promulgated these provisions. The third SIL provision (40 CFR 51.165(b)(2)) was not vacated and remains in effect. The court's decision does not affect the PSD increments for $PM_{2.5}$ promulgated as part of the 2010 PSD $PM_{2.5}$ Implementation Rule.

We note that the EPA recently amended its regulations to remove the vacated $PM_{2.5}$ SILs and SMC provisions from PSD regulations on December 9, 2013 (78 FR 73698). In addition, the EPA will initiate a separate rulemaking in the future regarding the $PM_{2.5}$ SILs that will address the court's remand. In the meantime, we are advising states to begin preparations to remove the vacated provisions from state PSD regulations.

Because of the vacatur of the EPA regulations as they relate to the $PM_{2.5}$ SILs and SMC, and the EPA's December 9, 2013, rulemaking action, Alaska withdrew the rule revisions that would have implemented these vacated provisions. Please see our proposed action on May 5, 2014 (79 FR 25533). Therefore, in this action we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C), (D)(i)(II) and (J) as those elements relate to a comprehensive PSD program.

Turning to the minor NSR requirement, we have determined that the Alaska minor NSR program regulates minor sources for purposes of the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. Based on the foregoing, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. Final action is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of revisions to the Alaska SIP to reflect changes to the NAAQS and Federal PSD permitting requirements.

110(a)(2)(D): Interstate Transport

CAA section 110(a)(2)(D)(i) requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance of the NAAQS in another state (CAA section 110(a)(2)(D)(i)(I)). Further, this section requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration (PSD) of air quality, or from interfering with measures required to protect visibility (i.e. measures to address regional haze) in any state (CAA section 110(a)(2)(D)(i)(II)). As noted above, this action also does not address the requirements of CAA section 110(a)(2)(D)(i) for the 1997 $PM_{2.5}$ NAAQS which we previously approved on October 15, 2008 (73 FR 60955). In addition, this action does not address the requirements of 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS, which we are addressing in a separate action (proposed April 28, 2014, 79 FR 23303). In this action, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS, and CAA section 110(a)(2)(D)(ii) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

State submission: On March 29, 2011, Alaska submitted the "Alaska Interstate Transport of Pollution SIP" to address interstate transport requirements for multiple NAAQS, including the 2006 $PM_{2.5}$ and 2008 ozone NAAQS. For purposes of CAA section 110(a)(2)(D)(i)(II), the submission referenced the State's SIP-approved PSD program and the State's Regional Haze Plan. As a result of the State's analysis and consultation, Alaska concluded that emissions of fine particulate matter and its precursors and ozone precursors from sources in Alaska do not interfere with other states' efforts to prevent significant air quality degradation and protect visibility.

EPA analysis: As noted above, this action also does not address the requirements of CAA section 110(a)(2)(D)(i) for the 1997 $PM_{2.5}$ NAAQS which we previously approved on October 15, 2008 (73 FR 60955). In addition, this action does not address the requirements of 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS, which we are addressing in a separate action (proposed April 28, 2014, 79 FR 23303). In this action, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS, and CAA section 110(a)(2)(D)(ii) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

CAA section 110(a)(2)(D)(i)(II) requires state SIPs to contain adequate provisions prohibiting emissions which will interfere with any other state's required measures to prevent significant deterioration (PSD) of its air quality (prong 3), and adequate provisions prohibiting emissions which will interfere with any other state's required measures to protect visibility (prong 4).

To address whether emissions from sources in Alaska interfere with any other state's required measures to prevent significant deterioration of air quality, the March 29, 2011, and July 9, 2012, submissions referenced the State's Federally-approved PSD program. The EPA originally approved Alaska's PSD program on February 16, 1995 (60 FR 8943), and most recently proposed approval of revisions on May 5, 2014 (79 FR 25533). Upon finalization of our May 5, 2014, proposed approval of revisions to the Alaska PSD program, the Alaska SIP will incorporate by reference Federal PSD requirements as of July 1, 2011. We believe that our proposed approval of element 110(a)(2)(D)(i)(II) is not affected by recent court vacaturs of EPA PSD implementing regulations. Please see our discussion at section 110(a)(2)(C). Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) with respect to PSD (prong 3) for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS. Final action is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of revisions to the Alaska SIP to reflect changes to the NAAQS and Federal PSD permitting requirements.

To address whether emissions from sources in Alaska interfere with any other state's required measures to protect visibility, Alaska's submissions reference the Alaska Regional Haze SIP, which was submitted to the EPA on March 29, 2011. The Alaska Regional Haze SIP addresses visibility impacts across states within the region. On February 14, 2013, the EPA approved the Alaska Regional Haze SIP, including the requirements for best available retrofit technology (78 FR 10546).

The EPA believes, as noted in the September 13, 2013, infrastructure guidance, that with respect to the CAA section 110(a)(2)(D)(i)(II) visibility sub-element, where a state's regional haze SIP has been approved as meeting all current obligations, a state may rely upon those provisions in support of its demonstration that it satisfies the requirements of CAA section 110(a)(2)(D)(i)(II) as it relates to visibility. Because the Alaska Regional Haze SIP was found to meet Federal requirements, we are proposing to approve the Alaska SIP as meeting the

requirements of CAA section 110(a)(2)(D)(i)(II) as it applies to visibility for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS (prong 4).

Interstate and International Transport Provisions

CAA section 110(a)(2)(D)(ii) requires SIPs to include provisions insuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). Specifically, CAA section 126(a) requires new or modified major sources to notify neighboring states of potential impacts from the source.

State submission: The July 9, 2012, submission references the State's Federally-approved PSD program. The submission also references SIP revisions submitted by ADEC for purposes of implementing $PM_{2.5}$ requirements in the Alaska PSD program.

EPA analysis: The EPA originally approved Alaska's PSD program on February 16, 1995 (60 FR 8943), and most recently proposed approval of revisions on May 5, 2014 (79 FR 25533). In general, ADEC incorporates by reference the Federal PSD rules at 40 CFR 52.21. In some cases, ADEC adopted provisions of 40 CFR 51.166, rather than the comparable provisions of 40 CFR 52.21, because 40 CFR 51.166 was a better fit for a SIP-approved PSD program.

At 18 AAC 50.306(b), Alaska's Federally-approved SIP incorporates by reference the general provisions of 40 CFR 51.166(q)(2) to describe the public participation procedures for PSD permits, including requiring notice to states whose lands may be affected by the emissions of sources subject to PSD. As a result, Alaska's PSD regulations provide for notice consistent with the requirements of the EPA PSD program. Alaska also has no pending obligations under section 115 or 126(b) of the CAA. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(ii) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. Final action is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of revisions to the Alaska SIP to reflect changes to the NAAQS and Federal PSD permitting requirements.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires each state to provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of Federal or state law from carrying out the SIP or portion thereof), (ii) requirements that the state comply with the requirements respecting state boards under CAA section 128 and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of such SIP provision.

State submission: The July 9, 2012, submission states that ADEC maintains adequate personnel, funding, and authority to implement the SIP. The submission refers to AS 46.14.030 "State Air Quality Control Plan" which provides ADEC statutory authority to act for the state and adopt regulations necessary to implement the State air plan. The submission also references 18 AAC 50.030 "State Air Quality Control Plan" which provides regulatory authority to implement and enforce the SIP.

With respect to CAA section 110(a)(2)(E)(ii), the submission states that Alaska's regulations on "conflict of interest" are found in Title 2-Administration, Chapter 50 Alaska Public Offices Commission: Conflict of Interest, Campaign Disclosure, Legislative Financial Disclosure, and Regulations of Lobbying (2 AAC 50.010—2 AAC 50.920). Regulations concerning financial disclosure are found in Title 2, Chapter 50, Article 1—Public Official Financial Disclosure. There are no state air quality boards in Alaska, however, the ADEC commissioner, as an appointed official and the head of an executive agency, is required to file a financial disclosure statement annually by March 15th of each year with the Alaska Public Offices Commission (APOC). These disclosures are publicly available through APOC's Anchorage office. Alaska's Public Officials Financial Disclosure Forms and links to Alaska's financial disclosure regulations can be found at the APOC Web site: *http://doe.alaska.gov/apoc/home.html.* Additional links to Alaska's ethics statutes and regulations are found at *http://law.alaska.gov/doclibrary/ethics.html.*

With respect to CAA section 110(a)(2)(E)(iii) and assurances that the state has responsibility for ensuring adequate implementation of the plan where the state has relied on local or regional government agencies, the submission states that ADEC insures local programs have adequate resources and documents this in the appropriate SIP section. Statutory authority for establishing local air pollution control programs is found at AS 46.14.400 "Local air quality control programs."

The submission also states that ADEC provides technical assistance and regulatory oversight to the Municipality of Anchorage (MOA), Fairbanks North Star Borough (FNSB) and other local jurisdictions to ensure that the State Air Quality Control Plan and SIP objectives are satisfactorily carried out. ADEC has a Memorandum of Understanding with the MOA and FNSB that allows them to operate air quality control programs in their respective jurisdictions. The South Central Clean Air Authority has been established to aid the MOA and the Matanuska-Susitna Borough in pursuing joint efforts to control emissions and improve air quality in the air-shed common to the two jurisdictions. In addition, ADEC indicates the department works closely with locals on nonattainment plans.

EPA analysis: We are proposing to find that the Alaska SIP meets the adequate personnel, funding and authority requirements of CAA section 110(a)(2)(E)(i). Alaska receives sections 103 and 105 grant funds from the EPA and provides state matching funds necessary to carry out SIP requirements. For purposes of CAA section 110(a)(2)(E)(ii), we previously approved Alaska's conflict of interest disclosure and ethics regulations as meeting the requirements of CAA section 128 on October 22, 2012 (77 FR 64427). In addition, we are proposing to find that the State has provided necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the State has responsibility for ensuring adequate implementation of the SIP with respect to the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS as required by CAA section 110(a)(2)(E)(iii). Therefore we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(E) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the CAA, which

reports shall be available at reasonable times for public inspection.

State submission: The July 9, 2012, submission states that ADEC has general statutory authority to regulate stationary sources via an air permitting program which includes permit reporting requirements, completeness determinations, administrative actions, and stack source monitoring requirements. The submission states ADEC has regulatory authority to determine compliance with these statutes via information requests and ambient air quality investigations. Monitoring protocols and test methods for stationary sources have been adopted by reference including the Federal reference and interpretation methods for particulate matter.

The submission references the State's Federally-approved PSD program originally approved on February 16, 1995 (60 FR 8943) and more recently approved on August 14, 2007 (72 FR 45378). Ambient air quality and meteorological data that are collected for PSD purposes by stationary sources are reported to ADEC on a quarterly and annual basis.

The submission refers to the following statutory and regulatory provisions which provide authority and requirements for source emissions monitoring, reporting, and correlation with emission limits or standards:

- AS 46.14.140: Emission control permit program regulations.
- AS 46.14.180: Monitoring.
- 18 AAC 50.035: Documents, Procedures, and Methods Adopted by Reference.
- 18 AAC 50.040: Federal Standards Adopted by Reference.
- 18 AAC 50.200: Information Requests.
- 18 AAC 50.201: Ambient Air Quality Investigation.
- 18 AAC 50.220: Enforceable test methods.
- 18 AAC 50.306: Prevention of Significant Deterioration Permits.
- 18 AAC 50.345: Construction and Operating Permits: Standard Permit Conditions.

EPA analysis: The Alaska SIP establishes compliance requirements for sources subject to major and minor source permitting to monitor emissions, keep and report records, and collect ambient air monitoring data. 18 AAC 50.200 "Information Requests" provides ADEC authority to issue information requests to an owner, operator, or permittee for purposes of ascertaining compliance. 18 AAC 50.201 "Ambient Air Quality Investigations" provides authority to require an owner, operator, or permittee to evaluate the effect emissions from the source have on ambient air quality. In addition, 18 AAC 50.306 "Prevention of Significant Deterioration Permits" and 18 AAC 50.544 "Minor Permits: Content" provide for establishing permit conditions to require the permittee to install, use and maintain monitoring equipment, sample emissions, provide source test reports, monitoring data, emissions data, and information from analysis, keep records and make periodic reports on process operations and emissions. This information is made available to the public through public processes outlined in these SIP-approved rules.

Additionally, the State is required to submit emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. The EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data (73 FR 76539). The AERR shortened the time states had to report emissions data from 17 to 12 months, giving states one calendar year to submit emissions data. All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through the EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and their associated precursors—nitrogen oxides, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. Many states also voluntarily report emissions of hazardous air pollutants. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *http://www.epa.gov/ttn/chief/eiinformation.html.*

Based on the above analysis, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(F) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

State submission: The July 9, 2012, submission cites AS 46.03.820 "Emergency powers" which provides ADEC with emergency order authority where there is an imminent or present danger to the health or welfare of the people of the state or would result in or be likely to result in irreversible or irreparable damage to the natural resources or environment. The submission also refers to18 AAC 50.245 "Air Episodes and Advisories" which authorizes ADEC to declare an air alert, air warning, or air advisory to notify the public and prescribe and publicize curtailment action. The submission states that ADEC is working to update this rule for purposes of $PM_{2.5}$.

The three major municipalities in Alaska (Anchorage, Fairbanks, and Juneau) also have ordinances, codes, or regulations that enable them to declare emergencies in the case of poor air quality due to forest fires, volcanoes, wood smoke or other air quality problem. ADEC is working with the FNSB to develop an Emergency Episode Contingency Plan for $PM_{2.5}$ for the FNSB nonattainment area as outlined in 40 CFR subpart H—Prevention of Air Pollution Emergency Episodes, and in Appendix L to subpart 51 "Example Regulations for Prevention of Air Pollution Emergency Episodes." ADEC personnel remain in close contact with each municipality when an air emergency is declared, assisting with air monitoring and analysis, and implementing safety and control measures, as needed.

EPA analysis: Section 303 of the CAA provides authority to the EPA Administrator to restrain any source from causing or contributing to emissions which present an "imminent and substantial endangerment to public health or welfare, or the environment." The EPA finds that AS 46.03.820 "Emergency Powers" provides emergency order authority comparable to CAA Section 303. We also find that Alaska's emergency episode rule at 18 AAC 50.245 "Air Episodes and Advisories," most recently approved by the EPA on August 14, 2007 (72 FR 45378), is consistent with the requirements of 40 CFR part 51 subpart H (prevention of air pollution emergency episodes, sections 51.150 through 51.153) for purposes of the 2008 ozone NAAQS. Because Alaska's SIP revision for $PM_{2.5}$ emergency episode planning is in development and has not yet been submitted to the EPA, we are deferring action on this element for purposes of the 1997 and 2006 $PM_{2.5}$ NAAQS. We will address the requirements in a separate action.

Based on the foregoing, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2008 ozone NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the SIP is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements under the CAA.

State submission: The July 9, 2012, submission refers to statutory authority to adopt regulations in order to implement the CAA and the state air quality control program at AS 46.03.020(10)(A) "Powers of the Department" and AS 46.14.010(a) "Emission Control Regulations." The submission also refers to regulatory authority to implement provisions of the CAA at 18 AAC 50.010 "Ambient Air Quality Standards." The submission affirms that ADEC regularly update the Alaska SIP as new NAAQS are promulgated by the EPA.

EPA analysis: As cited above, the Alaska SIP provides for revisions, and in practice, Alaska regularly submits SIP revisions to the EPA to take into account revisions to the NAAQS and other Federal regulatory changes. On May 5, 2014, the EPA proposed to approve numerous revisions to the Alaska SIP, including updates to Alaska's rules to reflect recent Federal changes to the NAAQS and permitting requirements (79 FR 25533). We previously approved revisions to the Alaska SIP on August 9, 2013 (78 FR 48611), May 9, 2013 (78 FR 27071) and January 7, 2013 (78 FR 900). We are proposing to approve the Alaska SIP as meeting the requirements of section 110(a)(2)(H) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

EPA analysis: There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1), because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but are rather due at the time of the nonattainment area plan requirements pursuant to section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) Submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation With Government Officials

CAA section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to Section 121. CAA section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires states to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submission: The July 9, 2012, submission refers to statutory authority to consult and cooperate with officials of local governments, state and Federal agencies, and non-profit groups found at AS 46.030.020 "Powers of the department" paragraphs (3) and (8). The submission states that municipalities and local air quality districts seeking approval for a local air quality control program shall enter into a cooperative agreement with ADEC according to AS 46.14.400 "Local air quality control programs" paragraph (d). ADEC can adopt new CAA regulations only after a public hearing as per AS 46.14.010 "Emission control regulations" paragraph (a). In addition, the submission states that public notice and public hearing regulations for SIP submission and air quality discharge permits are found at 18 AAC 15.050 and 18 AAC 15.060. Finally, the submission also references the Federally-approved Alaska PSD program originally approved on February 16, 1995 (60 FR 8943), and Alaska's Regional Haze SIP submitted to the EPA on March 29, 2011.

EPA analysis: The EPA finds that the Alaska SIP contains provisions for consulting with government officials as specified in CAA section 121, including the Alaska rules for major source permitting. Alaska's PSD program provides opportunity and procedures for public comment and notice to appropriate Federal, state and local agencies. We most recently proposed approval of revisions to the Alaska PSD program on May 5, 2014 (79 FR 25533). In addition, the EPA approved the Alaska rules that define transportation conformity consultation on December 29, 1999 (64 FR 72940). Finally, on February 14, 2013, we approved the Alaska Regional Haze SIP (78 FR 10546).

ADEC routinely coordinates with local governments, states, Federal land managers and other stakeholders on air quality issues including transportation conformity and regional haze, and provides notice to appropriate agencies related to permitting actions. Alaska regularly participates in regional planning processes including the Western Regional Air Partnership which is a voluntary partnership of states, tribes, Federal land managers, local air agencies and the EPA whose purpose is to understand current and evolving regional air quality issues in the West. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for consultation with government officials for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

Section 110(a)(2)(J) also requires the public be notified if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. ADEC is a partner in the EPA's AIRNOW and Enviroflash Air Quality Alert programs, which provide air quality information to the public for five major air pollutants regulated by the CAA: ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. Alaska also provides real-time air monitoring information to the public on the ADEC air quality Web site at *http://dec.alaska.gov/applications/air/envistaweb/*, in addition to air advisory information. During the summer months, the Fairbanks North Star Borough prepares a weekly Air Quality forecast for the Fairbanks area. The forecast is on their Web site (*http://co.fairbanks.ak.us/airquality/*).

We are therefore proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for public notification for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C of title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) with respect to permitting. The EPA originally approved Alaska's PSD program on

February 16, 1995 (60 FR 8943), and most recently proposed to approve revisions on May 5, 2014 (79 FR 25533). Alaska's PSD program generally incorporates by reference the Federal PSD program requirements at 40 CFR 52.21. In some cases, ADEC adopted provisions of 40 CFR 51.166, rather than the comparable provisions of 40 CFR 52.21, because 40 CFR 51.166 was a better fit for a SIP-approved PSD program. Upon finalization of our May 5, 2014 proposed approval, the State's Federally-approved SIP will incorporate by reference PSD requirements at 40 CFR 52.21 and 40 CFR 51.166 revised as of July 1, 2011. We are therefore proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for PSD for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS. Final action is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of revisions to the Alaska SIP to reflect changes to the NAAQS and Federal PSD permitting requirements. We note that we believe that our proposed approval of element 110(a)(2)(J) with respect to PSD is not affected by recent court vacaturs of the EPA's PSD implementing regulations. Please see our discussion above regarding section 110(a)(2)(C).

With respect to the applicable requirements for visibility protection, the EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus we find that there is no new applicable requirement related to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective.

Based on the analysis above, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for the 1997 $PM_{2.5}$, 2006 p.m.$_{2.5}$, and 2008 ozone NAAQS. Final action is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of revisions to the Alaska SIP to reflect changes to the NAAQS and Federal PSD permitting requirements.

110(a)(2)(K): Air Quality and Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submission: The July 9, 2012, submission states that air quality modeling is regulated under 18 AAC 50.215(b) "Ambient Air Quality Analysis Methods." Estimates of ambient concentrations and visibility impairment must be based on applicable air quality models, databases, and other requirements specified in the "EPA's Guideline on Air Quality Models" which is adopted by reference in 18 AAC 50.040 "Federal Standards Adopted by Reference." Baseline dates and maximum allowable increases are found in Table 2 and Table 3, respectively, at 18 AAC 50.020 "Baseline Dates and Maximum Allowable Increases."

EPA analysis: On May 5, 2014, we proposed to approve revisions to 18 AAC 50.215 "Ambient Air Quality Analysis Methods" and 18 AAC 50.040(f) "Federal Standards Adopted by Reference" (79 FR 25533). After finalizing our May 5, 2014, action, 18 AAC 50.040(f) "Federal Standards Adopted by Reference" will incorporate by reference the EPA regulations at 40 CFR Part 51, Appendix W (Guidelines on Air Quality Models) revised as of July 1, 2011. In addition, as an example of Alaska's modeling capacity, the State submitted the Fairbanks Carbon Monoxide Maintenance Plan to the EPA on June 21, 2004, supported by air quality modeling. The maintenance plan and supporting modeling was approved by the EPA as a SIP revision on July 27, 2004 (69 FR 44605). Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA Section 110(a)(2)(K) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

State submission: The July 9, 2012, submission states that ADEC's statutory authority to assess and collect permit fees is established in AS 46.14.240 "Permit Administration Fees" and AS 46.14.250 "Emission Fees." The permit fees for title V stationary sources are assessed and collected by the Air Permits Program according to 18 AAC 50, Article 4. ADEC is required to evaluate emission fee rates at least every four years and provide a written evaluation of the findings (AS 46.14.250(g); 18 AAC 50.410). The submission states that ADEC's most recent emission fee evaluation report was completed in October 2010 and that the next emission fee review is scheduled for 2014.

EPA analysis: The EPA fully approved Alaska's title V program on July 26, 2001 (66 FR 38940) with an effective data of September 24, 2001. While Alaska's operating permit program is not formally approved into the SIP, it is a legal mechanism the State can use to ensure that ADEC has sufficient resources to support the air program, consistent with the requirements of the SIP. Before the EPA can grant full approval, a state must demonstrate the ability to collect adequate fees. The Alaska title V program included a demonstration the state will collect a fee from title V sources above the presumptive minimum in accordance with 40 CFR 70.9(b)(2)(i). In addition, Alaska regulations at 18 AAC 50.306(d)(2) and 18 AAC 50.311(d)(2) require fees for purposes of major NSR permitting as specified in 18 AAC 50.400 through 18 AAC 50.499. Therefore, we are proposing to conclude that Alaska has satisfied the requirements of CAA section 110(a)(2)(L) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submission: The July 9, 2012, submission states that ADEC has authority to consult and cooperate with officials and representatives of any organization in the state; and persons, organization, and groups, public and private using, served by, interested in, or concerned with the environment of the state. Alaska refers to AS 46.030.020 "Powers of the department" paragraphs (3) and (8) which provides authority to ADEC to consult and cooperate with affected state and local entities. In addition, AS 46.14.400 "Local air quality control programs" paragraph (d) provides authority for local air quality control programs and requires cooperative agreements between ADEC and local air quality control programs that specify the respective duties, funding, enforcement responsibilities, and procedures.

EPA analysis: The EPA finds that the Alaska provisions cited above provide for local and regional authorities to participate and consult in the SIP development process. Therefore we are proposing to approve the Alaska SIP as meeting the requirements of CAA

section 110(a)(2)(M) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS.

V. Proposed Action

We are proposing to approve the Alaska SIP as meeting the following CAA section 110(a)(2) infrastructure elements for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 ozone NAAQS: (A), (B), (C), (D)(ii), (E), (F), (H), (J), (K), (L), and (M). We are also proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) as it applies to prevention of significant deterioration and visibility for the 2006 $PM_{2.5}$ and 2008 ozone NAAQS. In addition, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2008 ozone NAAQS. As discussed above, final action is contingent upon the EPA first taking final action on the May 5, 2014, proposed approval of revisions to the Alaska SIP to reflect changes to the NAAQS and Federal PSD permitting requirements (79 FR 25533).

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: July 3, 2014.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2014–16729 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0183; FRL–9913–72–Region 8]

Approval and Promulgation of Implementation Plans; Wyoming; Revisions to the Air Quality Standards and Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve changes to Wyoming's State Implementation Plan (SIP). On February 10, 2014, the Wyoming Department of Environmental Quality (WDEQ) submitted to EPA revisions to the Wyoming SIP. These revisions included edits to Wyoming Air Quality Standards and Regulations (WAQSR) Chapter 3, section 2(d). In this action, EPA is proposing to approve the revisions of this provision into the SIP because the revisions are consistent with Clean Air Act (CAA) requirements. The revisions will correct certain deficiencies related to the correct treatment of excess emissions from sources. EPA will address the remaining revisions from Wyoming's February 10, 2014 submission in separate actions.

DATES: Comments must be received on or before August 15, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2014–0183, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: clark.adam@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2014–0183. 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

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 Air Program, U.S. Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Adam Clark, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–7104, *clark.adam@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *IBR* mean or refer to incorporation by reference.

(iv) The initials *SIP* mean or refer to state implementation plan.

(v) The initials *SSM* mean or refer to startup, shutdown, and malfunction.

(vi) The words *State* or *Wyoming* mean the State of *Wyoming,* unless the context indicates otherwise.

(vii) The initials *WAQSR* mean or refer to the *Wyoming Air Quality Standards and Regulations.*

(viii) The initials *WDEQ* mean or refer to the *Wyoming Department of Environmental Quality.*

I. General Information

What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register**, date, and page number);
- Follow directions and organize your comments;
- Explain why you agree or disagree;
- Suggest alternatives and substitute language for your requested changes;
- Describe any assumptions and provide any technical information and/or data that you used;
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced;
- Provide specific examples to illustrate your concerns, and suggest alternatives;
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats; and
- Make sure to submit your comments by the comment period deadline identified.

II. Background

In accordance with the requirements of CAA section 110(a)(2)(A), SIPs must contain enforceable emission limitations and, in accordance with the definition of "emission limitations" in CAA section 302(k), such emission limitations must be continuous. In addition, under CAA section 304(a), any person may bring a civil action against any person alleged to have violated (if there is evidence that the alleged violation has been repeated) or to be in violation of an "emission standard or limitation" under the CAA. For the purposes of section 304, "emission standard or limitation" is defined in section 304(f) and includes SIP emission limitations. Thus, SIP emissions limitations can be enforced in a section 304 action and so must be capable of enforcement. SIP provisions that create exemptions such that excess emissions during startup, shutdown, malfunctions (SSM) and other conditions are not violations of the applicable emission limitations are inconsistent with these fundamental requirements of the CAA with respect to emission limitations in SIPs.

WAQSR Chapter 3, section 2(d) created an exemption for particulate matter emissions in excess of a 30 percent opacity standard from diesel engines during startup, malfunction, and maintenance. Because this provision allowed exemptions from the otherwise applicable SIP emission limit, it was inconsistent with CAA requirements.

On June 30, 2011, the Sierra Club filed with the EPA Administrator a petition for rulemaking concerning states' treatment of excess emissions from sources during SSM events (the Petition).[1] In the Petition, the Sierra Club identified existing SIP provisions in 39 states that the Sierra Club considered inconsistent with the CAA, including one provision in the Wyoming SIP. Specifically, the Sierra Club argued that WAQSR Chapter 3, "General Emission Standards," section 2, "Emission standards for particulate matter," subsection (d) "is contrary to EPA policy for source category specific rules for startup and shutdown."[2]

On February 22, 2013, EPA published a proposed rulemaking in which (among other things) we proposed to grant the Petition as it pertained to WAQSR Chapter 3, section 2(d). 78 FR 12460, 12533. We concurred with Sierra Club's assertion that this provision is inconsistent with the requirements of the CAA. For this reason, we proposed to find that WAQSR Chapter 3, section 2(d) is substantially inadequate to meet CAA requirements, and concurrently

[1] The Petition is available to view in the docket for this action.

[2] Id. at 74.

proposed to issue a SIP call for this provision.

On February 10, 2014, WDEQ submitted to EPA SIP revisions that included the removal of the problematic language in WAQSR Chapter 3, section 2(d), as well as updates to the State's incorporation by reference (IBR) of federal regulations. The State's IBR updates will be acted upon in a separate rulemaking.

III. Wyoming Revisions and EPA Analysis

Under CAA section 107, states have the primary authority and responsibility to develop and implement SIPs that provide for attainment, maintenance, and enforcement of the National Ambient Air Quality Standards and meet other CAA requirements. Pursuant to CAA section 110(k), EPA has the authority and responsibility to review state SIP submissions to assure that they meet all applicable requirements. CAA section 110(l) prohibits EPA from approving a SIP revision that (among other things) would interfere with any applicable requirement of the CAA. In this instance, the State has elected to revise its existing SIP by editing a previously approved provision that created exemptions from otherwise applicable emission limitations in the SIP.

The State made two edits to WAQSR Chapter 3, section 2(d). Notably, the sentence that read "This limitation shall not apply during a reasonable period of warmup following a cold start or where undergoing repairs and adjustment following malfunction" was struck from the provision.

We consider this change sufficient to correct the provision's inadequacy and to meet the requirements of the CAA.[3] As a result of the removal of the problematic language from WAQSR Chapter 3, section 2(d), the improper exemptions from the emissions limitation contained within this provision will no longer be available to sources. EPA's proposed approval is also consistent with CAA section 110(l) because approval will not interfere with any applicable requirement of the CAA. Specifically, removal of the exemptions will not relax the existing emission limitation in the SIP and will in fact be more protective. Furthermore, this revision will render the revised emissions limitation consistent with the requirements of the CAA for SIP provisions by making it continuously applicable and more enforceable. Therefore, we are proposing to approve the removal of this language from the provision.[4]

Wyoming also added language to WAQSR Chapter 3, section 2(d) clarifying that the provision applies to both stationary and portable diesel engines. EPA finds no issue with this clarifying language and therefore proposes to approve this change as well.

IV. EPA's Proposed Action

We are proposing to approve the revisions to WAQSR Chapter 3, section 2(d) of the Wyoming SIP, as reflected in the State's February 10, 2014 submission.

V. Statutory and Executive Orders Review

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 USC 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 USC 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 USC 272 note) because application of those requirements would be inconsistent with the CAA; and,
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: June 24, 2014.

Shaun L. McGrath,

Regional Administrator.

[FR Doc. 2014–16740 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

[3] For a more in-depth discussion on the inadequacy of WAQSR Chapter 3, section 2(d), see our proposed SIP call at 78 FR 12533, February 22, 2013.

[4] We note that if we finalize our proposed approval of this revision to the Wyoming SIP, it will have the effect of mooting our proposed SIP call regarding this provision.

DEPARTMENT OF EDUCATION

48 CFR Parts 3401, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3411, 3413, 3414, 3415, 3416, 3417, 3419, 3422, 3425, 3427, 3428, 3430, 3431, 3432, 3433, 3434, 3437, 3439, 3442, 3444, 3447, 3448, and 3452

[Docket ID ED–2013–OCFO–0078]

RIN 1890–AA18

Department of Education Acquisition Regulation

AGENCY: Office of the Chief Financial Officer, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to modify the Department of Education Acquisition Regulation (EDAR) in order to update it to accurately implement the current Federal Acquisition Regulation (FAR) and Department policies.

DATES: The Department must receive your comments on or before September 15, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "Are you new to the site?"
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Roscoe Price, U.S. Department of Education, 400 Maryland Avenue SW., Room 7172, PCP, Washington, DC 20202–4200.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Roscoe Price, U.S. Department of Education, 400 Maryland Avenue SW., Room 7172, PCP, Washington, DC 20202–4200. Telephone: (202) 245–6222 or by email: *Roscoe.Price@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment

The Department invites you to submit comments regarding these proposed regulations. To ensure that your comments have maximum effect in developing the final regulations, the Department urges you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

The Department invites you to assist us in complying with the specific requirements of Executive Order 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about these proposed regulations by accessing Regulations.gov. You may also inspect the comments in person in Room 7172, Potomac Center Plaza, 550 12th Street SW., Washington, DC, between 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to any individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Background

The uniform regulation for the procurement of supplies and services by Federal Departments and Agencies, the FAR, was promulgated on September 19, 1983 (48 FR 42102). The FAR is codified in title 48, chapter 1, of the Code of Federal Regulations. The Department promulgated the EDAR to implement the FAR on May 23, 1988 (53 FR 19119).

The EDAR (title 48, chapter 34 of the Code of Federal Regulations) is prescribed under 5 U.S.C. 301 and the general authorization in FAR 1.301. The last revision of the EDAR was published in the **Federal Register** on March 8, 2011 (76 FR 12796).

Significant Proposed Regulations

We discuss substantive issues under the sections of the proposed regulations to which they pertain. Generally, we do not address proposed regulatory changes that are technical or otherwise minor in effect.

These proposed regulations would amend the EDAR as follows:

SUBCHAPTER A—GENERAL

PART 3401—ED ACQUISITION REGULATION SYSTEM

FAR: FAR Part 1 (Federal Acquisition Regulations System) sets forth the purpose, authority, and structure of the FAR, authorizes agency FAR supplements and deviations from the FAR, and discusses career development, contracting authority, and responsibilities.

Current Regulations: The current EDAR contains delegations for deviation approvals that do not reflect optimal business operations. The current regulations do not correctly identify the individuals responsible for approving delegations and do not set forth procedures for obtaining approval of a deviation. The current regulations reflect numbering that has been changed by recent changes to the FAR.

Proposed Regulations: In subpart 3401.4, "Deviations," the proposed regulations would revise sections 3401.403 (Individual deviations) and 3401.404 (Class deviations) to designate the Head of the Contracting Activity (HCA) as the approving official for individual deviations and the Senior Procurement Executive (SPE) as the approving official for class deviations. The proposed regulations would also add section 3401.470 (Procedures) to provide procedures for requesting deviations from the FAR or the EDAR.

In subpart 3401.6, "Career Development, Contracting Authority, and Responsibilities," the proposed regulations would redesignate section 3401.670 as section 3401.604–70 and would further redesignate sections 3401.670–1, 3401.670–2, and 3401.670–3 as sections 3401.604–70.1, 3401.604–70.2, and 3401.604–70.3, respectively, to be consistent with the new FAR 1.604.

Reasons: On March 16, 2011, section 1.604 was added to the FAR. This proposed change would update the EDAR to be consistent with the FAR numbering scheme. Also, the proposed change would identify the correct position for approving individual and class deviations as well as establish the procedures required for approval of deviations from the FAR or the EDAR.

PART 3403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

FAR: FAR Part 3 (Improper Business Practices and Personal Conflicts of Interest) regulates standards of conduct, gratuities to Government personnel, reports of suspected antitrust violations, contingent fees, and contracts with Government employees or organizations owned or controlled by them.

Current Regulations: The current EDAR requires Department personnel to report violations of the gratuities clause, antitrust violations, and misrepresentation or violation of the covenant against contingent fees.

Proposed Regulations: The Department is proposing to add section 3403.104–7 to identify the SPE as the agency head for the purposes of FAR 3.104–7(d)(2)(ii)(B) and to add section 3403.204, revise section 3403.602, and add sections 3403.7 and 3403.9 to identify the SPE as the agency head's designee for the purposes of FAR 3.204, 3.602, 3.704, 3.705, 3.905, and 3.906.

Reasons: The proposed revisions identify the official delegated the authority to provide exceptions and sign determinations identified in FAR 3.1, 3.2, 3.6, 3.7, and 3.9.

PART 3404—ADMINISTRATIVE MATTERS

FAR: FAR Part 4 (Administrative Matters) sets forth requirements for contract execution, documentation, retention, and reporting.

Current Regulations: The current EDAR does not address this FAR part.

Proposed Regulations: The Department proposes to add PART 3404, "ADMINISTRATIVE MATTERS," to SUBCHAPTER A to consist of subpart 3404.7 and section 3404.770 to prescribe the use of clause 3452.204–70, "Maintenance and Retention of Government-Owned/Contractor-Held Federal Records" in all solicitations and contracts where contractors are in possession of Federal records.

Reasons: This addition is necessary to provide contractors guidance on the handling of Federal records, often containing personally identifiable information, both during and after performance of contracts.

SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

PART 3405—PUBLICIZING CONTRACT ACTIONS

FAR: FAR Part 5 (Publicizing Contract Actions) sets forth requirements for publicizing actions in each phase of the acquisition process and the mandatory time required for actions to be published prior to action being taken by the Government.

Current Regulations: The current EDAR sets forth specific statutory authorities provided to Federal Student Aid (FSA).

Proposed Regulations: The Department is proposing to add subpart 3405.4 to identify the SPE as the agency head's designee for the purposes of FAR 5.404–1(a) and (b).

Reasons: The proposed revision identifies the official responsible for releasing long range estimates for the Department.

PART 3406—COMPETITION REQUIREMENTS

FAR: FAR Part 6 (Competition Requirements) regulates how agencies compete various contract actions.

Current Regulations: The current EDAR states that this part of the FAR does not apply to modular contracting performed by the Performance Based Organization (PBO) as a result of statutorily provided authority.

Proposed Regulations: The proposed changes would add subpart 3406.2 and section 3406.302–1 to identify the HCA as the agency head for the purposes of FAR 6.202 and 6.302–1(b)(4); would add section 3406.302–2 to identify the SPE as the agency head's designee for the purposes of FAR 6.302–2(d)(2); would add section 3406.302–7 to identify the Secretary as having the exclusive authority to approve all public interest determinations for the purposes of FAR 6.302–7(c); and would revise section 3406.501 to designate Competition Advocates for each contracting activity.

Reasons: The proposed change would identify the agency head for the purposes of FAR 6.2 and 6.3 and the agency head's designee for the purposes of FAR 6.3, except to reserve public interest determinations for the Secretary of Education, and would identify the Competition Advocates for each Contracting Activity mandated in FAR 6.5.

PART 3407—ACQUISITION PLANNING

FAR: FAR Part 7 (Acquisition Planning) sets forth requirements for presolicitation activities that must be addressed by the Government, identifies analysis of requirements for contractor versus Government performance, and identifies how to determine if work is inherently Governmental.

Current Regulations: The current EDAR does not address this part of the FAR.

Proposed Regulations: The Department proposes to add PART 3407, "ACQUISITIION PLANNING," to SUBCHAPTER B to consist of subpart 3407.1 to identify the SPE as the agency head's designee for the purposes of FAR 7.103.

Reasons: The proposed changes to the regulations would add the authority for promulgating the regulation and would clearly identify the appropriate official for making determinations under FAR 7.1.

PART 3408—REQUIRED SOURCES OF SUPPLIES AND SERVICES

FAR: FAR Part 8 (Required Sources of Supplies and Services) mandates certain sources and details how agencies must use those sources.

Current Regulations: The current EDAR requires a printing clause in subpart 3408.8 (Acquisition of Printing and Related Supplies) and addresses paperwork reduction in PART 3427.

Proposed Regulations: The proposed changes would revise section 3408.870 to clarify when the printing clause at 3452.208–71 is required.

Reasons: The proposed changes would update the EDAR to reflect mandatory use of the printing clause at 3452.208–71 in all solicitations and contracts where printing is anticipated.

PART 3409—CONTRACTOR QUALIFICATIONS

FAR: FAR Part 9 (Contractor Qualifications) prescribes policies, standards, and procedures for determining whether prospective contractors are responsible.

Current Regulations: The current EDAR identifies procedures for Debarment and Suspension and prescribes procedures for identifying conflicts of interest.

Proposed Regulations: The Department proposes to add subpart 3409.2 and amend subparts 3409.4 and 3409.5 by adding sections 3409.405, 3409.405–1, 3409.405–2, 3409.406–1, 3409.407–1, and 3409.503, respectively, to identify the SPE as the agency head's designee for the purposes of FAR 9.202(a)(1), 9.206–1(b), 9.405(a), 9.405(d)(3), 9.405–1, 9.405–2, 9.406–1(c), 8.407–1(d), and 9.503.

Reasons: The proposed changes would update the EDAR to identify the SPE as the agency head's designee for the purposes of FAR 9.202(a)(1), 9.206–1(b), 9.405(a), 9.405(d)(3), 9.405–1, 9.405–2, 9.406–1(c), 8.407–1(d), and 9.503.

PART 3411—DESCRIBING AGENCY NEEDS

FAR: FAR Part 11 (Describing Agency Needs) includes sections on developing requirements documents, performance schedules, approaching liquidated damages, and variations in quantity.

Current Regulations: The current EDAR does not address this part of the FAR.

Proposed Regulations: The Department proposes to add PART 3411, "DESCRIBING AGENCY NEEDS," to SUBCHAPTER B to consist of subpart 3411.1 and 3411.5. The proposed addition would identify the HCA as the agency head for the purposes of FAR 11.103(a) and 11.501(d).

Reasons: The proposed changes to the regulations would update the EDAR to identify the appropriate official for making determinations under FAR 11.103(a) and 11.501(d).

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 3413—SIMPLIFIED ACQUISITION PROCEDURES

FAR: FAR Part 13 (Simplified Acquisition Procedures) allows and describes streamlined ways of purchasing goods and services below the simplified acquisition threshold.

Current Regulations: The EDAR currently sets out FSA's authority to use simplified acquisition methods for commercial items at any value and noncommercial items up to $1 million.

Proposed Regulations: The Department proposes to add subpart 3413.2 and amend subpart 3413.3 to identify the SPE as the agency head for the purposes of FAR 13.201(g)(1) and 13.305–3(a).

Reasons: The proposed changes to the regulations would clearly identify the appropriate official for making determinations under FAR 13.201(g)(1) and 13.305–3(a).

PART 3414—SEALED BIDDING

FAR: FAR Part 14 (Sealed Bidding) describes the rules and requirements for using sealed bidding as a method of acquisition.

Current Regulations: The current EDAR identifies the HCA as the official authorized to make determinations under FAR 14.407–3.

Proposed Regulations: The Department proposes to revise subpart 3414.4 to identify the HCA as the agency head for the purposes of FAR 14.404–1(c), 14.407–3, and 14.407–4.

Reasons: The proposed changes to the regulations would clearly identify the appropriate official for making determinations under FAR 14.404–1(c), 14.407–3, and 14.407–4.

PART 3415—CONTRACTING BY NEGOTIATION

FAR: FAR Part 15 (Contracting by Negotiation) sets forth procedures for acquiring goods and services through negotiated procurement.

Current Regulations: The current EDAR contains the process for submitting unsolicited proposals and implements the use of a two-phase procurement.

Proposed Regulations: The Department proposes to add section 3415.204 to identify the SPE as the agency head's designee for the purposes of FAR 15.204(e).

Reasons: The proposed change to the regulation would clearly identify the appropriate official for making determinations under FAR 15.204(e).

PART 3416—TYPES OF CONTRACTS

FAR: FAR Part 16 (Types of Contracts) describes the various contract types and

consideration in determining the type of contract to use for a particular acquisition.

Current Regulations: The current EDAR incorrectly states that an award term that is earned is affected by unilateral modification.

Proposed Regulations: The Department proposes to revise section 3416.470(f)(2) to require bilateral contract modification to extend a contract for an earned award term period.

Reasons: This revision of section 3416.470(f)(2) would correct the error in the current EDAR.

PART 3417—SPECIAL CONTRACTING METHODS

FAR: FAR Part 17 (Special Contracting Methods) includes requirements for options and interagency acquisitions under the Economy Act.

Current Regulations: The current EDAR includes requirements for options and the use of Modular Contracting.

Proposed Regulations: The Department proposes to add section 3417.208 to prescribe the appropriate use of clauses 3452.17–70, "Evaluation of Options to Include Award Terms," and 3452.17–71, "Option to Extend the Term of an Award Term Contract." Additionally, the Department proposes to add section 3417.104 and subpart 3417.6 to identify the SPE and Assistant Secretary for the Office of Management as the agency head for the purposes of FAR 17.104(b) and 17.602, respectively.

Reasons: The changes are necessary to prescribe when to include specific option-related clauses regarding Award Term Contracting and to clearly identify the appropriate official for making determinations under FAR 17.104(b) and 17.602.

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 3419—SMALL BUSINESS PROGRAMS

FAR: FAR Part 19 (Small Business Programs) describes requirements for and availability of contracting preference programs for small businesses.

Current Regulations: The current regulations identify regulatory flexibilities afforded to FSA.

Proposed Regulations: The Department proposes to add section 3419.505 and subpart 3419.8 to include section 3419.810 to identify the SPE as the agency head for the purposes of FAR 19.505 and 19.810, respectively. The Department proposes to add section 3419.812 in subpart 3419.8 to identify the HCA as the agency head for the purposes of FAR 19.812(d). Additionally, the Department proposes to add section 3419.70 to prescribe when to include clause 3452.219–70 in commercial item procurements.

Reasons: The changes would clearly identify the appropriate official for making determinations under FAR 19.5 and 19.8 and include a clause to provide favorable price evaluation treatment for socioeconomic subcategories for which the Department has historically failed to meet prime award goals.

PART 3422—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

FAR: FAR Part 22 (Application of Labor Laws to Government Acquisitions) describes various laws, policies, and prohibitions governing Federal acquisition.

Current Regulations: The current regulations explain that the five-year limitation in the Service Contract Act of 1965, as amended (Service Contract Act), applies to each period of the contract individually, not to the cumulative period of base and option years, and that accordingly no Department contract will have a base or option period longer than five years.

Proposed Regulations: The Department proposes to amend PART 3422, "APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS," to add section 3422.406–8 to identify the SPE as the agency head's designee for the purposes of FAR 22.406–8(d) and to add sections 3422.604–2, 3422.803, 3422.807, 3422.1305, 3422.1310, 3422.1403, and 3422.1408 to identify the SPE as the agency head for the purposes of FAR 22.604–2(b)(1), 22.803(c), 22.807(a)(1), 22.1305, 22.1310(a)(1)(ii) and (a)(2), 22.1403, and 22.1408, respectively. The Department proposes to add section 3422.302 to identify the HCA as the agency head for the purposes of FAR 22.302(c) and to add section 3422.406–9 to identify the HCA as the authority to suspend contract payments pursuant to FAR 22.406–9(b). Additionally, the Department proposes to add section 3422.406–8 to identify the Chief of the Contracting Office as the responsible party for conducting labor standards investigations as prescribed in FAR 22.406–8(a).

Reasons: The proposed changes to the regulations would clearly identify the appropriate official for making determinations or decisions under FAR 22.302(c), 22.406–8(a), 22.406–8(d), 22.406–9(b), 22.604–2(b)(1), 22.803(c), 22.807(a)(1), 22.1305, 22.1310, 22.1403, and 22.1408.

PART 3425—FOREIGN ACQUISITION

FAR: FAR Part 25 (Foreign Acquisition) implements the Buy American Act.

Current Regulations: The current EDAR designates the HCA as the approving official for determinations relating to the Buy American Act.

Proposed Regulations: The Department proposes to amend PART 3425, "FOREIGN ACQUISITIONS," to add sections 3425.103, 3425.105, and 3425.202 to delegate authority to the HCA make the determinations prescribed in FAR 25.103(a), 25.105(a)(1) and 25.202(a)(1). The Department proposes to add section 3425.204 to identify the HCA as the agency head for the purposes of FAR 25.204(b) and to add section 3425.1001 to identify the SPE as the agency head for the purposes of FAR 25.1001(a)(2)(iii).

Reasons: The Department has previously identified the approving official for one of the subparts in FAR 25; this change would clearly identify the appropriate official for making determinations under FAR 25.103(a), 25.105(a)(1), 25.202(a)(1), 25.204(b), and 25.1001(a)(2)(iii).

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 3427—PATENTS, DATA, AND COPYRIGHTS

FAR: FAR Part 27 (Patents, Data, and Copyrights) regulates patents, copyrights, rights in data, and foreign license and technical agreements under Federal contracts.

Current Regulations: The current EDAR includes in this part prescriptions for clauses on publication and publicity, advertising of awards, and paperwork reduction.

Proposed Regulations: The Department proposes to add subpart 3427.3 consisting of section 3427.303 to identify the SPE as the agency head's designee for the purposes of FAR 27.303.

Reasons: The proposed change to the regulation would clearly identify the appropriate official for making determinations under FAR 27.303.

PART 3428—BONDS AND INSURANCE

FAR: FAR Part 28 (Bonds and Insurance) regulates the appropriate use and requirements for bonds and insurance under Federal contracts.

Current Regulations: The current EDAR includes in this part a prescription for a clause specifying when insurance is mandatory.

Proposed Regulations: The Department proposes to add subpart 3428.1 (Bonds and Other Financial Protections) to include section 3428.101–1 and subpart 3428.2 to include section 3428.203–7 to identify the SPE as the agency head's designee for the purposes of FAR 28.101–1(c) and 28.203–7. The Department proposes to add section 3428.106–6 to identify the HCA as the agency head's designee for the purposes of FAR 28.106–6(c). The Department proposes to add section 3428.203 to identify the Assistant Inspector General for Investigations as the appropriate official to receive evidence of possible criminal or fraudulent activities by an individual surety.

Reasons: The proposed change to the regulations would clearly identify the appropriate official for making determinations under FAR 28.101–1(c), 28.106–6(c), and 28.203–7 and to identify the official for receiving evidence under FAR 28.203.

PART 3430—COST ACCOUNTING STANDARDS ADMINISTRATION

FAR: FAR Part 30 (Cost Accounting Standards Administration) includes sections on the administration of contractor financial systems and responsibility for disclosure.

Current Regulations: The current EDAR does not address this part of the FAR.

Proposed Regulations: The Department proposes to add PART 3430, "COST ACCOUNTING STANDARDS ADMINISTRATION," to include section 3430.201–5 to identify the SPE as the head of the agency for the purposes of FAR 30.201–5(a) and (b).

Reasons: The proposed change to the regulation would clearly identify the appropriate official for making determinations under FAR 30.201–5.

PART 3431—CONTRACT COST PRINCIPLES AND PROCEDURES

FAR: FAR Part 31 (Contract Cost Principles and Procedures) includes sections regulating costs under contracts with commercial, educational, and nonprofit organizations.

Current Regulations: The current EDAR does not address this part of the FAR.

Proposed Regulations: The Department proposes to add PART 3431, "CONTRACT COST PRINCIPLES AND PROCEDURES," to add subpart 3431.1 consisting of section 3431.101 to identify the SPE as the agency head's designee for the purposes of FAR 31.101 and add subpart 3431.2 to include section 3431.205–6 to identify the HCA as the agency head's designee for the purposes of FAR 31.295–6(g)(3).

The Department proposes to add section 3431.205–70 to prescribe the use of clause 3452.231–70 (Food Costs) to prohibit the use of contract funds to procure food unless authorized by the Contracting Officer (CO) in advance. The Department proposes to add section 3431.205–71 to prescribe the use of clause 3452.231–71 (Travel Costs) to prohibit the use of contract funds to pay for noncontractor travel unless authorized by the Contracting Officer in advance.

The Department proposes to add section 3431.205–72 to prescribe the clause at 3452.231–72 (Clearance of Conferences/Meetings) that requires Department contractors arranging conferences on behalf of the Department to seek the services of the Department's Event Services office or agreement from that office that the services may be subcontracted.

Reasons: The proposed changes to the regulations would clearly identify the appropriate official for making determinations under FAR 31.101 and 31.205–6. The added clauses are required to ensure adequate control over contract funds for use to pay for noncontractor travel and meals and for Department conferences.

PART 3432—CONTRACT FINANCING

FAR: FAR Part 32 (Contract Financing) regulates the types of financing the Government may make available to contractors, including advance payments.

Current Regulations: The current EDAR designates the HCA as the official authorized to authorize types of financing in subpart 3432.4 (Advance Payments) and section 3432.705–2 (Clauses for Limitation of Cost or Funds), which prescribes the use of clause 3452.232–70 (Limitation of Cost or Funds) and the provision in clause 3452.232–71 (Incremental Funding).

Proposed Regulations: The Department proposes to add subparts 3432.0, 3432.1, 3432.2, and 3432.9 to PART 3432, "CONTACT FINANCING." Sections 3432.006–1, 3432.006–4, and 3432.114 would identify the SPE as the agency head for the purposes of FAR 32.006–1, 32.006–4, and 32.114, respectively. The Department proposes to add section 3432.006–3 to identify Department personnel responsibilities and procedures that must be followed when there is any suspected instance of fraud involved in payment requests.

The Department proposes to add sections 3432.201, 3432.703–3, and 3432.906 to identify the HCA as the agency head for the purposes of FAR 32.201, 32.703–3(b), and 32.906(a), respectively. The Department proposes to add section 3432.006–2 to define the "Remedy Coordination Official."

The Department proposes to add section 3432.902 to define "delivery date" as the date on which products and services are deemed received.

Reasons: The addition of section 3432.902 would provide clarification to potential vendors that may make delivery of products or services after 4:30 p.m., that those deliveries will be deemed to be received the next business day.

The other proposed changes would identify the appropriate officials that have been designated to make determinations under various subparts of FAR 32 and identify the appropriate official and procedure to report requests for payments based on fraud.

PART 3433—PROTESTS, DISPUTES, AND APPEALS

FAR: FAR Part 33 (Protests, Disputes, and Appeals) regulates the Government's actions when a protest is filed with the agency or the Government Accountability Office (GAO) and when disputes occur under contracts.

Current Regulations: The current EDAR designates the HCA as the official authorized to approve a determination to continue with performance after receipt of a protest.

Proposed Regulations: The Department proposes to revise section 3433.103 to identify the Competition Advocate for the contracting activity as having responsibility for the independent review required by FAR 33.103(d)(4).

The Department proposes to add section 3433.103(f)(1) and 3433.103(f)(3) to identify the HCA as having responsibility for approving any determination to proceed with the contract award for protests filed and received before award and to continue performance after the receipt of an agency protest after award. We further clarify that in those cases where the Contracting Officer (CO) is also the HCA, the determination must be approved by the SPE. The Department proposes to add section 3433.104 to require contracting activities to seek guidance from the Office of the General Counsel (OGC) before taking action in response to a GAO protest. The Department proposes to add section 3433.203 to identify the SPE as the agency head for the purposes of FAR 33.203(b).

The Department proposes to add section 3433.211 to require the Contracting Officer to obtain assistance, as appropriate, from OGC prior to issuing a final decision.

Reasons: The Department proposes to revise section 3433.103 to clarify that there are two contracting activities, each with its own Competition Advocate. The Department proposes to add section 3433.104 to identify the HCA as having the responsibility for determining if work should begin after a protest has been received. The Department proposes to add section 3433.203 to identify the SPE as the agency head for the purposes of FAR 33.203. The Department proposes to add section 3433.211 to require the Contracting Officer to confer with the OGC, when appropriate, prior to issuing any final determination.

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 3434—MAJOR SYSTEM ACQUISITION

FAR: FAR Part 34 (Major System Acquisition) describes acquisition policies and procedures for use in acquiring major systems consistent with OMB Circular No. A–109. FAR Part 34 also describes the use of an Earned Value Management System in acquisitions designated as major acquisitions consistent with OMB Circular A–11, Part 7.

Current Regulations: The current EDAR does not address this part of the FAR.

Proposed Regulations: The Department proposes to add PART 3434, "MAJOR SYSTEM ACQUISITION." Section 3434.003 would identify the SPE as the agency head's designee for the purposes of FAR 34.003(a). The Department proposes to add section 3434.003(b) to identify the SPE as the agency head for the purposes of FAR 34.003(c) and the acquisition executive for the purposes of OMB Circular No. A–109. Section 3434.005–6 would identify the SPE as the agency head's designee for the purposes of FAR 34.005–6.

Reasons: These changes would identify the appropriate officials that have been designated to make determinations under various subparts of FAR 34.

PART 3437—SERVICE CONTRACTING

FAR: FAR Part 37 (Service Contracting) regulates various types of service contracts and performance-based acquisition.

Current Regulations: The EDAR currently contains section 3437.270 (Services of Consultants Clauses), which prescribes the use of clause 3452.237–70 (Services of Consultants) in all cost-reimbursement contracts and solicitations. This clause requires the contractor to obtain the Contracting Officer's written approval to use certain consultants under a cost-type contract.

Proposed Regulations: The Department proposes to revise subpart 3437.2 and add section 3437.601 to subpart 3437.6. Proposed section 3437.204 would identify the HCA as the agency head for the purposes of FAR 37.204. The Department proposes to revise section 3437.270 to provide clarification on when the Contracting Officer must use clause 3452.237–70 (Services of Consultants). The Department proposes to add section 3437.601 to establish the Department's policy that all new service contracts be performance-based unless approved by the Departmental Competition Advocate.

Reasons: These changes would clearly identify the official responsible for approving advisory contracts, clarify that the Services of Consultants clause is not applicable to FSA contracts, and establish the minimum requirements to be contained in any new service contract.

PART 3439—ACQUISITION OF INFORMATION TECHNOLOGY

FAR: FAR Part 39 (Acquisition of Information Technology) regulates the acquisition of information technology.

Current Regulations: The current EDAR contains multiple information technology initiatives and standards requirements for Internet Protocol Version 6 and security requirements.

Proposed Regulations: The Department proposes to remove section 3439.701 from subpart 3439.70 because the section is no longer needed. A FAR clause has been established to fulfill its purpose.

Reasons: Current section 3439.701 has been replaced by a FAR clause and is obsolete.

SUBCHAPTER G—CONTRACT MANAGEMENT

PART 3442—CONTRACT ADMINISTRATION AND AUDIT SERVICES

FAR: FAR Part 42 (Contract Administration and Audit Services) requires use of a contractor performance information system and contract monitoring; it also governs other contract administration functions.

Current Regulations: The current EDAR contains sections on contract monitoring and the accessibility of meetings, conferences, and seminars to persons with disabilities.

Proposed Regulations: The Department proposes to add subparts 3442.6 and 3442.7 and to revise section 3442.7101 in subpart 3442.71. We would add section 3442.602 to identify the SPE as the agency head's designee for the purposes of FAR 42.602(a) and add section 3443.703–2 to identify the HCA as the agency head's designee for the purposes of FAR 42.703–2(b). Additionally, the Department proposes to revise section 3442.7101 to clarify that the use of clause 3452.242–73 (Accessibility of meetings, conferences, and seminars to persons with disabilities) is mandatory in all solicitations and contracts where conferences are contemplated.

Reasons: The current regulation is general in the application of the accessibility clause, and the proposed changes would clearly identify the appropriate official for making determinations under FAR 42.302.

PART 3444—SUBCONTRACTING POLICIES AND PROCEDURES

FAR: FAR Part 44 (Subcontracting Policies and Procedures) includes sections that govern contracts requiring the Government's consent to subcontract, the review of a contractor's purchasing system, and subcontracts under commercial item purchases.

Current Regulations: The current EDAR does not address this part of the FAR.

Proposed Regulations: The Department proposes to add PART 3444, "SUBCONTRACTING POLICIES AND PROCEDURES." Section 3444.302 would identify the SPE as the head of the agency for the purposes of FAR 44.302(a).

Reasons: The proposed change to the regulation would clearly identify the appropriate official for making determinations under FAR 44.302.

PART 3447—TRANSPORTATION

FAR: FAR Part 47 (Transportation) includes sections regulating transportation-related services, transportation in supply contracts, and transportation by U.S. flag carriers and vessels.

Current Regulations: The current EDAR includes in section 3447.701 a foreign travel provision for when the Contracting Officer must use clause 3452.247–70 (Foreign travel).

Proposed Regulations: The Department proposes to revise 3447.701 to clarify that the Contracting Officer must insert clause 3452.247–70 (Foreign Travel) in all solicitations and resultant cost reimbursement contracts where foreign travel is contemplated.

Reasons: This change would clarify when the Contracting Officer must use clause 3452.247–70.

PART 3448—VALUE ENGINEERING

FAR: FAR Part 48 (Value Engineering) includes sections that identify the appropriate sharing methodologies for proposals that would generate savings on the instant acquisition through which a value engineering proposal is submitted, as well as sharing of savings on collateral contracts.

Current Regulations: The current EDAR does not address this part of the FAR.

Proposed Regulations: The Department proposes to add PART 3448, "VALUE ENGINEERING." Proposed sections 3448.102 and 3448.201 would delegate to the HCA, without power of redelegation, the authority regarding the exemptions prescribed in FAR 48.102(g) and 48.201(a)(6), respectively.

Reasons: The proposed regulations would clearly identify the appropriate official for making exemption determinations under FAR 48.102(g) and 48.201(a)(6), respectively.

SUBCHAPTER H—CLAUSES AND FORMS

PART 3452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

FAR: FAR Part 52 (Solicitation Provisions and Contract Clauses) is the part of the FAR containing all FAR provisions and clauses required or recommended for inclusion in solicitations and contracts, as prescribed in the preceding parts of the FAR.

Current Regulations: The current EDAR includes in PART 3452, "SOLICITATION PROVISIONS AND CONTRACT CLAUSES," text for 30 provisions and clauses, all of which are prescribed in the preceding parts of the EDAR.

Proposed Regulations: The Department proposes to add section 3452.204–70 to implement guidance provided by the National Archives and Records Administration consistent with the requirements of the Department; revise section 3452.216–71(e) to require bilateral modifications rather than unilateral Government modifications in cases of earned award term periods; add section 3452.217–70 to include the evaluation of award term periods; add section 3452.219–70 to allow evaluations to include socioeconomic categories; add section 3452.231–70 to preclude the procurement of food under a cost reimbursement contract unless authorized in advance by the CO; add section 3452.231–71 to identify invitational travel as an unallowable cost; add section 3431.231–72 to require contractors to work with the Event Services staff to establish any hotel contracts; and remove section 3452.239–70.

Additionally, the Department proposes to add subpart 3452.3, consisting of section 3452.301 (Solicitation provisions and contract clauses (Matrix)), a clause matrix.

Reasons: The proposed changes to this part of the EDAR are consistent with the changes to the prescriptive language in the preceding parts and would update the provisions and clauses to more accurately reflect current regulations and policy. Section 3452.239–70 would be removed because it is obsolete. The addition of a clause matrix in section 3452.301 would provide an easy reference point for Contracting Officers to check.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

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

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

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

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

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

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

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

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

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

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

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

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

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

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

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

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

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum on "Plain Language in Government Writing" require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity and create a barrier to contracting with the Department?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could the Department do to make the proposed regulations easier to understand and access?

To send any comments that concern how the Department could make these proposed regulations easier to understand, see the instructions in the **ADDRESSES** section.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The proposed regulations would update the EDAR; they would not directly regulate any small entities. As a result, a regulatory flexibility analysis is not required and none has been prepared.

Paperwork Reduction Act of 1995

These proposed regulations do not contain any information collection requirements.

Intergovernmental Review

These regulations are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

In accordance with section 441 of the General Education Provisions Act, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether these proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

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

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

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

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

List of Subjects in 48 CFR Parts 3401, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3411, 3413, 3414, 3415, 3416, 3417, 3419, 3422, 3425, 3427, 3428, 3430, 3431, 3432, 3433, 3434, 3437, 3439, 3442, 3444, 3447, 3448, and 3452

Government procurement.

Dated: June 30, 2014.

Arne Duncan,

Secretary of Education.

Accordingly, the Secretary proposes to amend title 48 of the Code of Federal Regulations, chapter 34 as follows:

PART 3401—ED ACQUISITION REGULATION SYSTEM

■ 1. The authority citation for part 3401 continues to read as follows:

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

■ 2. Section 3401.403 is revised to read as follows:

3401.403 Individual deviations.

An individual deviation from the FAR or the EDAR must be approved by the HCA.

■ 3. Section 3401.404 is revised to read as follows:

3401.404 Class deviations.

A class deviation from the FAR or the EDAR must be approved by the Senior Procurement Executive (SPE).

■ 4. Section 3401.470 is added to read as follows:

3401.470 Procedures.

(a) The HCA must submit to the SPE a written request for each deviation from the FAR or the EDAR. Each request for a deviation must include:

(1) The nature of the deviation requested, including whether it is an individual or class deviation.

(2) The FAR or EDAR regulation from which the deviation is requested.

(3) The circumstances under which the deviation would be used.

(4) The effect intended by the deviation.

(5) The expiration date recommended for the deviation.

(6) All pertinent documentation supporting the request.

(b) The Contracting Officer must include in the contract file a copy of each authorized deviation that pertains to the acquisition.

Sections 3401.670, 3401.670–1, 3401.670–2, and 3401.670–3. [Redesignated as 3401.604–70, 3401.604–70.1, 3401.604–70.2, and 3401.604–70.3]

■ 5. Sections 3401.670, 3401.670–1, 3401.670–2, and 3401.670–3 are redesignated as sections 3401.604–70, 3401.604–70.1, 3401.604–70.2, and 3401.604–70.3, respectively.

PART 3403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

■ 6. The authority citation for part 3403 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 7. Sections 3403.104 and 3403.104–7 are added to read as follows:

3403.104 Procurement integrity.

3403.104–7 Violations or possible violations.

(d)(2)(ii)(B) The SPE is the agency head for the purposes of FAR 3.104–7(d)(2)(ii)(B).

■ 8. Section 3403.204 is added to read as follows:

3403.204 Treatment of violations.

(a) The SPE is the agency head's designee for the purposes of FAR 3.204.

■ 9. Section 3403.602 is revised to read as follows:

3403.602 Exceptions.

The SPE is the agency head's designee for the purposes of FAR 3.602.

■ 10. Subpart 3403.7 is added to read as follows:

Subpart 3403.7—Voiding and Rescinding Contracts

Sec.
3403.704 Policy.
3403.705 Procedures.

Subpart 3403.7—Voiding and Rescinding Contracts

3403.704 Policy.

(a) The SPE is the agency head's designee for the purposes of FAR 3.704.

3403.705 Procedures.

(a) The SPE is the agency head's designee for the purposes of FAR 3.705.

■ 11. Subpart 3403.9 is added to read as follows:

Subpart 3403.9—Whistleblower Protections for Contractor Employees

Sec.
3403.905 Procedures for investigating complaints.
3403.906 Remedies.

Subpart 3403.9—Whistleblower Protections for Contractor Employees

3403.905 Procedures for investigating complaints.

(c) The SPE is the agency head's designee for the purposes of FAR 3.905.

3403.906 Remedies.

(a) The SPE is the agency head's designee for the purposes of FAR 3.906.

■ 12. A new part 3404 is added to subchapter A to read as follows:

PART 3404—ADMINISTRATIVE MATTERS

3404.7—Contractor Records Retention

Sec.
3404.770 Contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c); and 41 U.S.C. 3102.

Subpart 3404.7—Contractor Records Retention

3404.770 Contract clause.

The Contracting Officer must insert the clause at 3452.204–70, Maintenance and Retention of Government-Owned/Contractor-Held Federal Records, in all solicitations and contracts where contractors are in possession of Federal records.

PART 3405—PUBLICIZING CONTRACT ACTIONS

■ 13. The authority citation for part 3405 continues to read as follows:

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

■ 14. Subpart 3405.4 is added to read as follows:

Subpart 3405.4—Release of Information

Sec.
3405.404 Release of long-range acquisition estimates.
3405.404–1 Release procedures.

Subpart 405.4—Release of Information

3405.404 Release of long-range acquisition estimates.

3405.404–1 Release procedures.

(a) The SPE is the agency head's designee for the purposes of FAR 5.404–1(a).

(b) The SPE is the agency head for the purposes of FAR 5.404–1(b).

PART 3406—COMPETITION REQUIREMENTS

■ 15. The authority citation for part 3406 continues to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 418(a) and (b); and 20 U.S.C. 1018a.

■ 16. Subpart 3406.2 is added to read as follows:

Subpart 3406.2—Full and Open Competition After Exclusion of Sources

Sec.
3406.202 Establishing or maintaining alternate sources.

Subpart 3406.2—Full and Open Competition After Exclusion of Sources

3406.202 Establishing or maintaining alternate sources.

The HCA is the agency head for the purposes of FAR 6.202.

■ 17a. Sections 3406.302, 3406.302–1, and 3406.302–2 are added to read as follows:

3406.302 Circumstances permitting other than full and open competition.

3406.302–1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(b)(4) The HCA is the agency head for the purposes of FAR 6.302–1(b)(4).

3406.302–2 Unusual and compelling urgency.

(d)(2) The SPE is the agency head's designee for the purposes of FAR 6.302–2(d)(2).

■ 17b. Section 3406.302–7 is added to read as follows:

3406.302–7 Public interest.

The authority to approve the determination prescribed in FAR 6.302–7(c) is reserved for the Secretary of Education.

■ 18. Section 3406.501 is revised to read as follows:

3406.501 Requirement.

The Competition Advocate for the Department and Contracts and Acquisitions Management (CAM) is the Deputy Director, CAM. The Competition Advocate for Federal Student Aid (FSA) is the Director, Strategic Initiatives.

■ 19. A new part 3407 is added to subchapter B to read as follows:

PART 3407—ACQUISITION PLANNING

Subpart 3407.1—Acquisition Plans

Sec.
3407.103 Agency-head responsibilities.

Authority: 5 U.S.C. 301.

Subpart 3407.1—Acquisition Plans

3407.103 Agency-head responsibilities.

The SPE is the agency head's designee for the purposes of FAR 7.103.

PART 3408—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 20. The authority citation for part 3408 continues to read as follows:

Authority: 5 U.S.C. 301, unless otherwise noted.

■ 21. Section 3408.870 is revised to read as follows:

3408.870 Printing clause.

The Contracting Officer must insert the clause at 3452.208–71 (Printing) in all solicitations and contracts for services where printing is anticipated.

PART 3409—CONTRACTOR QUALIFICATIONS

■ 22. The authority citation for part 3409 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 23. Subpart 3409.2 is added to read as follows:

Subpart 3409.2—Qualifications Requirements

Sec.
3409.202 Policy.
3409.206 Acquisitions subject to qualification requirements.
3409.206–1 General.

Subpart 3409.2—Qualifications Requirements

3409.202 Policy.

(a)(1) The SPE is the agency head's designee for the purposes of FAR 9.202(a)(1).

3409.206 Acquisitions subject to qualification requirements.

3409.206–1 General.

(b) The SPE is the agency head's designee for the purposes of FAR 9.206–1(b).

■ 24a. Sections 3409.405, 3409.405–1, and 3409.405–2 are added to read as follows:

3409.405 Effect of listing.

(a) The SPE is the agency head's designee for the purposes of FAR 9.405(a).

(d)(3) The SPE is the agency head's designee for the purposes of FAR 9.405(d)(3).

3409.405–1 Continuation of current contracts.

(a) The SPE is the agency head's designee for the purposes of FAR 9.405–1.

3409.405–2 Restrictions on subcontracting.

(a) The SPE is the agency head's designee for the purposes of FAR 9.405–2.

■ 24b. Section 3409.406–1 is added to read as follows:

3409.406–1 General.

(c) The SPE is the agency head's designee for the purposes of FAR 9.406–1(c).

■ 24c. Section 3409.407–1 is added to read as follows:

3409.407–1 General.

(d) The SPE is the agency head's designee for the purposes of FAR 9.407–1(d).

■ 25. Section 3409.503 is revised to read as follows:

3409.503 Waiver.

The SPE is the agency head's designee for the purposes of FAR 9.503.

■ 26. In subchapter B, a new part 3411 is added to read as follows:

PART 3411—DESCRIBING AGENCY NEEDS

Subpart 3411.1—Selecting and Developing Requirements Documents

Sec.
3411.103 Market acceptance.

Subpart 3411.5—Liquidated Damages

Sec.
3411.501 Policy.

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

Subpart 3411.1—Selecting and Developing Requirements Documents

3411.103 Market acceptance.

(a) The HCA is the agency head for the purposes of FAR 11.103(a).

Subpart 3411.5—Liquidated Damages

3411.501 Policy.

(d) The HCA is the agency head for the purposes of FAR 11.501(d).

PART 3413—SIMPLIFIED ACQUISITION PROCEDURES

■ 27. The authority citation for part 3413 continues to read as follows:

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

■ 28. Subpart 3413.2 is added to read as follows:

Subpart 3413.2—Actions At or Below the Micro-Purchase Threshold

Sec.
3413.201 General.

Subpart 3413.2—Actions At or Below the Micro-Purchase Threshold

3413.201 General.

(g)(1) The SPE is the agency head for the purposes of FAR 13.201(g)(1).

■ 29. Sections 3413.305 and 3413.305–3 are added to read as follows:

3413.305 Imprest funds and third party drafts.

3413.305–3 Conditions for use.

(a) The SPE is the agency head for the purposes of FAR 13.305–3(a).

PART 3414—SEALED BIDDING

■ 30. The authority citation for part 3414 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 31. Subpart 3414.4 is revised to read as follows:

Subpart 3414.4—Opening of Bids and Award of Contract

Sec.
3414.404 Rejection of bids.
3414.404–1 Cancellation of invitations after opening.
3414.407 Mistakes in bids.
3414.407–3 Other mistakes disclosed before award.
3414.407–4 Mistakes after award.

Subpart 3414.4—Opening of Bids and Award of Contract

3414.404 Rejection of bids.

3414.404–1 Cancellation of invitations after opening.

(c) The HCA is the agency head for the purposes of FAR 14.404–1(c).

3414.407 Mistakes in bids.

3414.407–3 Other mistakes disclosed before award.

The HCA is the agency head for the purposes of making any determination called for by FAR 14.407–3.

3414.407–4 Mistakes after award.

The HCA is the agency head for the purposes of making any determination called for by FAR 14.407–4.

PART 3415—CONTRACTING BY NEGOTIATION

■ 32. The authority citation for part 3415 continues to read as follows:

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

■ 33. Section 3415.204 is added to read as follows:

3415.204 Contract format.

(e) The SPE is the agency head's designee for the purposes of FAR 15.204(e).

PART 3416—TYPES OF CONTRACTS

■ 34. The authority citation for part 3416 continues to read as follows:

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

■ 35. In section 3416.470, paragraph (f)(2) is revised to read as follows:

3416.470 Award-term contracting.

* * * * *

(f) * * *

(2) The extension of the contract as a result of an earned award term period is affected by a bilateral contract modification.

* * * * *

PART 3417—SPECIAL CONTRACTING METHODS

■ 36. The authority citation for part 3417 continues to read as follows:

Authority: 31 U.S.C. 1535 and 20 U.S.C. 1018a.

■ 37. Subpart 3417.1 is added to read as follows:

Subpart 3417.1—Multi-year Contracting

3417.104 General.

(b) The SPE is the agency head for the purposes of FAR 17.104(b).

■ 38. Section 3417.208 is added to read as follows:

3417.208 Solicitation provisions and contract clauses.

(c) Insert a clause substantially the same as the clause at 3452.17–70, Evaluation of Options to Include Award Terms and 3452.17–71, Option to Extend the Term of an Award Term Contract, in solicitations and contracts when the conditions at FAR 3417.208(c) exist and the use of an Award Term incentive is contemplated.

■ 39. Subpart 3417.6 is added to read as follows:

Subpart 3417.6—Management and Operating Contracts

3417.602 Policy.

(a) The Assistant Secretary for the Office of Management is the agency head for the purposes of FAR 17.602.

PART 3419—SMALL BUSINESS PROGRAMS

■ 40. The authority citation for part 3419 continues to read as follows:

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

■ 41. Section 3419.505 is added to read as follows:

3419.505 Rejecting Small Business Administration recommendations.

(d) The SPE is the agency head for the purposes of FAR 19.505.

■ 42. Section 3419.70 is added to read as follows:

3419.70 Socioeconomic goals.

When the Department has been unable to meet its goal for prime contractor awards in one or more socioeconomic categories in any of the last five fiscal years, the Contracting Officer may insert a clause substantially the same as 3452.219–70 in any procurement for a Commercial Item conducted under FAR Part 12 or 13 when the award is low price, technically acceptable.

■ 43. Subpart 3419.8 is added to read as follows:

Subpart 3419.8—Contracting with the Small Business Administration

3419.810 SBA appeals.

(a) The SPE is the agency head for the purposes of FAR 19.810.

3419.812 Contract administration.

(d) The HCA is the agency head for the purposes of FAR 19.812(d).

PART 3422—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 44. The authority citation for part 3422 continues to read as follows:

Authority: 5 U.S.C. 301 Subpart 3422.10—Service Contract Act of 1965, as Amended

■ 45a. Subparts 3422.3, 3422.4, 3422.6, and 3422.8 are added to read as follows:

Subpart 3422.3—Contract Work Hours and Safety Standards Act

3422.302 Liquidated damages and overtime pay.

(c) The HCA is the agency head for the purposes of FAR 22.302(c).

Subpart 3422.4—Labor Standards for Contracts Involving Construction

3422.406 Administration and enforcement.

3422.406–8 Investigations.

(a) The Chief of the Contracting Office is responsible for conducting labor standards investigations as prescribed in FAR 22.406–8(a).

(d) The SPE is the agency head's designee for the purposes of FAR 22.406–8(d).

3422.406–9 Withholding from or suspension of contract payments.

(b) The authority to suspend contract payments pursuant to FAR 22.406–9(b) is delegated, without power of redelegation, to the HCA.

Subpart 3422.6—Walsh-Healy Public Contracts Act

3422.604 Exemptions.

3422.604–2 Regulatory exemptions.

(b)(1) The SPE is the agency head for the purposes of FAR 22.604–2(b)(1).

Subpart 3422.8—Equal Employment Opportunity

3422.803 Responsibilities.

(c) The SPE is the agency head for the purposes of FAR 22.803(c).

3422.807 Exemptions.

(a)(1) The SPE is the agency head for the purposes of FAR 22.807(a)(1).

■ 45b. Add a heading for subpart 3422.10 to read as follows:

Subpart 3422.10—Service Contract Labor Standards

Sections 3422.1002 and 3422.1002–1 [Designated as subpart 3422.10].

■ 45c. Designate sections 3422.1002 and 3422.1002–1 as subpart 3422.10.

■ 45d. Subparts 3422.13 and 3422.14 are added to read as follows:

Subpart 3422.13—Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans

3422.1305 Waivers.

The SPE is the agency head for the purposes of FAR 22.1305.

3422.1310 Solicitation provision and contract clauses.

The SPE is the agency head for the purposes of FAR 22.1310(a)(1)(i.) and (a)(2).

Subpart 3422.14—Employment of Workers with Disabilities

3422.1403 Waivers.

The SPE is the agency head for the purposes of FAR 22.1403.

3422.1408 Contract clause.

The SPE is the agency head for the purposes of FAR 22.1408.

PART 3425—FOREIGN ACQUISITION

■ 46. The authority citation for part 3425 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 47. Revise subpart 3425.1 to read as follows:

Subpart 3425.1—Buy American Act—Supplies

Sec.
3425.103 Exceptions.
3425.105 Determining reasonableness of cost.

Subpart 3425.1—Buy American Act—Supplies

3425.103 Exceptions.

(a) The authority to make the determination prescribed in FAR 25.103(a) is delegated, without power of redelegation, to the HCA.

3425.105 Determining reasonableness of cost.

(a)(1) The authority to make the determinations prescribed in FAR 25.105(a)(1) is delegated, without power of redelegation, to the HCA.

■ 48. Add subparts 3425.2 and 3425.10 to read as follows:

Subpart 3425.2—Buy American Act—Construction Materials

Sec.
3425.202 Exceptions.
3425.204 Evaluating offers of foreign construction material.

Subpart 3425.10—Additional Foreign Acquisition Regulations

Sec.
3425.1001 Waiver of right to examination of records.

Subpart 3425.2—Buy American Act—Construction Materials

3425.202 Exceptions.

(a)(1) The authority to make the determination prescribed in FAR 25.202(a)(1) is delegated, without power of redelegation, to the HCA.

3425.204 Evaluating offers of foreign construction material.

(b) The HCA is the agency head for the purposes of FAR 25.204(b).

Subpart 3425.10—Additional Foreign Acquisition Regulations

3425.1001 Waiver of right to examination of records.

(a)(2)(iii) The SPE is the agency head for the purposes of FAR 25.1001(a)(2)(iii).

PART 3427—PATENTS, DATA, AND COPYRIGHTS

■ 49. The authority citation for part 3427 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 50. Add subpart 3427.3 to read as follows:

Subpart 3427.3—Patent Rights under Government Contracts

Sec.
3427.303 Contract clauses.

Subpart 3427.3—Patent Rights under Government Contracts

3427.303 Contract clauses.

The SPE is the agency head's designee for the purposes of FAR 27.303.

PART 3428—BONDS AND INSURANCE

■ 51. The authority citation for part 3428 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 52. Add subpart 3428.1 to read as follows:

Subpart 3428.1—Bonds and Other Financial Protections

Sec.
3428.101 Bid guarantees.
3428.101–1 Policy on use.
3428.106–6 Furnishing information.

Subpart 3428.1—Bonds and Other Financial Protections

3428.101 Bid guarantees.

3428.101–1 Policy on use.

(c) The SPE is the agency head's designee for the purposes of FAR 28.101–1(c).

3428.106–6 Furnishing information.

(c) The HCA is the agency head's designee for the purposes of FAR 28.106–6(c).

■ 53. Add subpart 3428.2 to read as follows:

Subpart 3428.2—Sureties and Other Securities for Bonds

Sec.
3428.203 Acceptability of individual surety.
3428.203–7 Exclusion of individual sureties.

Subpart 3428.2—Sureties and Other Securities for Bonds

3428.203 Acceptability of individual surety.

(g) Evidence of possible criminal or fraudulent activities by an individual surety must be referred to the Assistant Inspector General for Investigations.

3428.203–7 Exclusion of individual sureties.

The SPE is the agency head's designee for the purposes of FAR 28.203–7.

■ 54. A new part 3430 is added to subchapter E to read as follows:

PART 3430—COST ACCOUNTING STANDARDS ADMINISTRATION

Subpart 3430.2—CAS Program Requirements

Sec.
3430.201 Contract requirements.
3430.201–5 Waiver.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c); and 41 U.S.C. 3102.

Subpart 3430.2—CAS Program Requirements

3430.201 Contract requirements.

3430.201–5 Waiver.

(a) The SPE is the head of the agency for the purposes of FAR 30.201–5(a) and (b).

■ 55. A new part 3431 is added to subchapter E to read as follows:

PART 3431—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 3431.1—Applicability

Sec.
3431.101 Objectives.

Subpart 3431.2—Contracts with Commercial Organizations

Sec.
3431.205 Selected costs.
3431.205–6 Compensation for personal services.
3431.205–70 Noncontractor meals.
3431.205–71 Noncontractor travel.
3452.205–72 Clearance of conferences/meetings.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c); and 41 U.S.C. 3102.

Subpart 3431.1—Applicability

3431.101 Objectives.

The SPE is the agency head's designee for the purposes of FAR 31.101.

Subpart 3431.2—Contracts with Commercial Organizations

3431.205 Selected costs.

3431.205–6 Compensation for personal services.

(g)(3) The HCA is the agency head's designee for the purposes of FAR 31.205–6(g)(3).

3431.205–70 Noncontractor meals.

Insert the clause at 3452.231–70 (Food Costs) in solicitations and contracts that include meetings/conferences where personnel other than Federal or contractor employees will participate.

3431.205–71 Noncontractor travel.

Insert the clause at 3452.231–71 (Travel Costs) in solicitations and contracts where meetings/conferences where personnel other than Federal or contractor employees will participate.

3431.205–72 Clearance of conferences/meetings.

Insert the clause at 3452.231–72 (Clearance of Conferences/Meetings) in solicitations and contracts where meetings/conferences are contemplated to be arranged by the contractor.

PART 3432—CONTRACT FINANCING

■ 56. The authority citation for part 3432 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 57. Add subparts 3432.0, 3432.1, and 3432.2 to read as follows:

Subpart 3432.0—Scope of Part

Sec.
3432.006 Reduction or suspension of contract payments upon finding of fraud.
3432.006–1 General.
3432.006–2 Definitions.
3432.006–3 Responsibilities.
3432.006–4 Procedures.

Subpart 3432.1—Noncommercial Item Purchase Financing

Sec.
3432.114 Unusual contract financing.

Subpart 3432.2—Commercial Item Purchase Financing

Sec.
3432.201 Statutory authority.

Subpart 3432.0—Scope of Part

3432.006 Reduction or suspension of contract payments upon finding of fraud.

3432.006–1 General.

The SPE is the agency head for the purposes of FAR 32.006–1.

3432.006–2 Definitions.

"Remedy Coordination Official" means the SPE.

3432.006–3 Responsibilities.

(b) Department personnel must report immediately and in writing any apparent or suspected instance where the contractor's request for advance, partial, or progress payments is based on fraud. The report must be made to the Contracting Officer and the Assistant Inspector General for Investigations. The report must outline the events, acts, or conditions which indicate the apparent or suspected violation and include all pertinent documents. The Assistant Inspector General for Investigations must investigate, as appropriate. If appropriate, the Office of the Inspector General will provide a report to the SPE.

3432.006–4 Procedures.

The SPE is the agency head for the purposes of FAR 32.006–4.

Subpart 3432.1—Noncommercial Item Purchase Financing

3432.114 Unusual contract financing.

The SPE is the agency head for the purposes of FAR 32.114.

Subpart 3432.2—Commercial Item Purchase Financing

3432.201 Statutory authority.

The HCA is the agency head for the purposes of FAR 32.201.

■ 58. Add sections 3432.703 and 3432.703–3 to read as follows:

3432.703 Contract funding requirements.

3432.703–3 Contracts crossing fiscal years.

(b) The HCA is the agency head for the purposes of FAR 32.703–3(b).

■ 59. Add subpart 3432.9 to read as follows:

Subpart 3432.9—Prompt Payment

Sec.
3432.902 Definitions.
3432.906 Making payments.

Subpart 3432.9—Prompt Payment

3432.902 Definitions.

Delivery Date. The date on which a product or service is deemed received by the Government. Delivery of any product or service after 4:30 p.m. local time will be deemed to have been received on the next calendar day for the purpose of computing the prompt payment date.

3432.906 Making payments.

(a) *General.* The HCA is the agency head for the purposes of FAR 32.906(a).

PART 3433—PROTESTS, DISPUTES, AND APPEALS

■ 60. The authority citation for part 3433 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 61. Revise section 3433.103 to read as follows:

3433.103 Protests to the agency.

(d)(4) The independent review as described in FAR 33.103(d)(4) must be performed by the Competition Advocate for the contracting activity.

(f) *Action upon receipt of protest.*

(1) For protests filed with the Department and received before award, the contracting office must first obtain the advice of the Office of the General Counsel when determining to proceed with the contract award. The determination must be approved by the HCA. In those cases where the Contracting Officer is also the HCA, the determination must be approved by the SPE.

(3) For protests filed with the Department and received after award, the Contracting Officer must first obtain the advice of OGC before determining that continued performance is justified. The determination must be approved by the HCA. In those cases where the Contracting Officer is also the HCA, the determination must be approved by the SPE.

■ 62. Add section 3433.104 to read as follows:

3433.104 Protests to GAO.

(a) *General procedures.* Contracting activities must consult OGC for guidance before taking any actions in response to a protest to GAO.

■ 63. Add subpart 3433.2 to read as follows:

Subpart 3433.2—Disputes and Appeals

Sec.
3433.203 Applicability.
3433.211 Contracting Officer's decision.

Subpart 3433.2—Disputes and Appeals

3433.203 Applicability.

The SPE is the agency head for the purposes of FAR 33.203(b).

3433.211 Contracting Officer's decision.

Prior to issuing a Contracting Officer's final decision, the Contracting Officer should obtain assistance, when appropriate, from the Office of the General Counsel.

■ 64. A new part 3434 is added to subchapter F to read as follows:

PART 3434—MAJOR SYSTEM ACQUISITION

Subpart 3434.0—General

Sec.
3434.003 Responsibilities.
3434.005 General requirements.
3434.005–6 Full production.

Authority: 5 U.S.C. 301.

Subpart 3434.0—General

3434.003 Responsibilities.

(a) The SPE is the agency head's designee for the purposes of FAR 34.003(a).

(b) The SPE is the agency head for the purposes of FAR 34.003(c) and the acquisition executive for the purposes of OMB Circular No. A–109.

3434.005 General requirements.

3434.005–6 Full production.

The SPE is the agency head's designee for the purposes of FAR 34.005–6.

PART 3437—SERVICE CONTRACTING

■ 65. The authority citation for part 3437 continues to read as follows:

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

■ 66. Revise subpart 3437.2 to read as follows:

Subpart 3437.2—Advisory and Assistance Services

Sec.
3437.204 Guidelines for determining availability of personnel.
3437.270 Services of consultants clause.

Subpart 3437.2—Advisory and Assistance Services

3437.204 Guidelines for determining availability of personnel.

The HCA is the agency head for the purposes of FAR 37.204.

3437.270 Services of consultants clause.

The Contracting Officer must insert the clause at 3452.237–70 (Services of consultants) in all solicitations and resultant cost-reimbursement contracts for consultant services that do not provide services to FSA.

■ 67. Add section 3437.601 to read as follows:

3437.601 General.

It is the Department's policy that all new service contracts be performance-based, with clearly defined deliverables and performance standards. Any deviations from this policy must be fully justified in writing and approved by the Departmental Department's Competition Advocate.

PART 3439—ACQUISITION OF INFORMATION TECHNOLOGY

■ 68. The authority citation for part 3439 continues to read as follows:

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

Section 3439.701 [Removed]

■ 69. Remove section 3439.701.

PART 3442—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 70. The authority citation for part 3442 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 71. Subpart 3442.6 is added to read as follows:

Subpart 3442.6—Corporate Administrative Contracting Officer

Sec.
3442.602 Assignment and location.

Subpart 3442.6—Corporate Administrative Contracting Officer

3442.602 Assignment and location.

The SPE is the agency head's designee for the purposes of FAR 42.602(a).

■ 72. Subpart 3442.7 is added to read as follows:

Subpart 3442.7—Indirect Cost Rates

Sec.
3442.703 General.

3442.703–2 Certificate of indirect costs.

Subpart 3442.7—Indirect Cost Rates

3442.703 General.

3442.703–2 Certificate of indirect costs.

(b) The HCA is the agency head's designee for the purposes of FAR 42.703–2(b).

■ 73. Revise section 3442.7101 to read as follows:

3442.7101 Policy and clause.

(b) The Contracting Officer must insert the clause at 3452.242–73 (Accessibility of meetings, conferences, and seminars to persons with disabilities) in all solicitations and contracts where conferences are contemplated.

■ 74. A new part 3444 is added to subchapter G to read as follows:

PART 3444—SUBCONTRACTING POLICIES AND PROCEDURES

Subpart 3444.3—Contractor's Purchasing System Reviews

Sec.
3444.302 Requirements.

Authority: 5 U.S.C. 301.

Subpart 3444.3—Contractor's Purchasing System Reviews

3444.302 Requirements.

(a) The SPE is the head of the agency for the purposes of FAR 44.302(a).

PART 3447—TRANSPORTATION

■ 75. The authority citation for part 3447 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 76. Section 3447.701 is revised to read as follows:

3447.701 Foreign travel clause.

The Contracting Officer must insert the clause at 3452.247–70 (Foreign travel) in all solicitations and resultant cost reimbursement contracts where foreign travel is contemplated.

■ 77. A new part 3448 is added to subchapter G to read as follows:

PART 3448—VALUE ENGINEERING

Subpart 3448.1—Policies and Procedures

Sec.
3448.102 Policies.

Subpart 3448.2—Contract Clauses

Sec.
3448.201 Clauses for supply or service contracts.

Authority: 5 U.S.C. 301.

Subpart 3448.1—Policies and Procedures

3448.102 Policies.

(a) The authority to grant exemptions prescribed in FAR 48.102(a), or to extend future contract savings or sharing pursuant to FAR 48.102(g), is delegated, without power of redelegation, to the HCA.

Subpart 3448.2—Contract Clauses

3448.201 Clauses for supply or service contracts.

The authority to determine exemptions prescribed in FAR 48.201(a)(6) is delegated, without power of redelegation, to the HCA.

PART 3452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 78. The authority citation for part 3452 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 79. Add section 3452.204–70 to read as follows:

3452.204–70 Maintenance and retention of government-owned/contractor-held Federal records.

As prescribed in 3404.7001, insert the following clause:

Maintenance and Retention of Government-Owned/Contractor-Held Federal Records (April 2012)

(a) *Government-Owned/Contractor-Held Federal Records.* "Government-Owned/Contractor-Held Federal Records" include all records or data, regardless of format or media, created or produced under this contract, whether or not provided to the Government as a contract deliverable, that document contractor-operated Government activities and programs. Government-Owned/Contractor-Held Federal records may not include those Contractor records that relate exclusively to the contractor's internal business or are of a general nature not specifically related to the performance of work under the contract or to the underlying Government activity/program. The contractor's general policies, procedures, etc., that apply to the general conduct of its business do not fall under the purview of this clause. When in doubt, the Contractor must seek the Contracting Officer's determination as to which records are subject to this clause.

(b) *Records Maintenance and Retention.* The contractor must create, maintain, safeguard, and ensure final disposition of all Government-Owned/Contractor-Held Federal records generated in connection with this contract in accordance with the Federal Records Act, (44 U.S.C. Chapters 21, 29, 31, 33), National Archives and Records Administration (NARA) regulations (36 CFR parts 1220–1239), Records Management and the NARA-approved records disposition schedules including the Department's Records Retention and Disposition Schedules (OM:6–106, 11/16/2007) and the Department's Records and Information Management Program (OM:6–103, 01/30/2007). Maintenance of Government Owned/Contractor-Held Federal records, includes, but is not limited to, storage in accordance with NARA storage requirements (regardless of whether stored in contractor-owned or leased space), retrievability, and ensuring final disposition, including secure transfer of Federal records to a NARA-approved facility in a media neutral format and manner acceptable to NARA and the Department at the time of transfer. As directed by the Contracting Officer, the contractor must obtain prior approval from the Contracting Officer to destroy or remove records subject to this clause.

(c) *Segregation of Records.* The contractor must ensure that Government-Owned/Contractor-Held Federal records are segregated from company-owned records and from nonrecord materials. This clause operates independently from and is not intended to affect, or be affected by, the contractor records provisions contained in FAR subpart 4.7 and the clauses referenced therein.

(d) *Coordination with Records Manager.* The contractor, through the Contracting Officer, must coordinate with the Program Records Officer (PRO) and the Department's Records Officer (RO), on matters requiring advice, such as marking and segregating such records, or technical assistance in all areas of management pertaining to such records.

(e) *Contract Completion or Termination.* Upon contract completion or termination, the contractor must ensure final disposition of all Government-Owned/Contractor-Held Federal records to a Federal Record Center, NARA, to a successor contractor, its designee, or other destinations, as directed by the Contracting Officer. Contractor is responsible for the secure disposition of records, which include but is not limited to, the secure transport and temporary housing of all records.

(f) *Inspection and Audit.* All Government-Owned/Contractor-Held Federal records are subject to inspection, copying and audit by the Government or its designee(s) at all reasonable times to ensure records are maintained in accordance with applicable records management laws and regulations. The contractor must afford the Government or its designee(s) reasonable facilities for such inspection, copying, and audit; provided, however, that upon request by the Contracting Officer, the contractor must deliver such records to a location specified by the Contracting Officer.

(g) *Applicability.* This clause applies to all Government-Owned/Contractor-Held Federal records maintained by the contractor without regard to the date or origination of such records including all records acquired from a predecessor contractor.

(h) *Subcontracts.* The contractor must include the requirements of this clause in all subcontracts awarded in association with this contract.

■ 80. In section 3452.216–71, revise paragraph (e) of the award-term clause to read as follows:

3452.216–71 Award-Term.

* * * * *

(e) The contract term or ordering period requires bilateral modification to reflect the ATRB's decision to award and the contractor's agreement to accept an Award Term. If the contract term or ordering period has one year remaining, the operation of the contract Award Term feature will cease and the contract term or ordering period will not extend beyond the maximum term stated in the contract.

* * * * *

■ 81. Add section 3452.217–70 to read as follows:

3452.217–70 Evaluation of options to include award terms.

As prescribed in 3417.208(c), insert a provision substantially the same as the following:

EVALUATION OF OPTIONS TO INCLUDE AWARD TERMS (MAY 2013)

This solicitation includes four optional periods of performance and up to four award terms. In accordance with the clause at 3452.216.71, award terms must immediately follow the period in which the award term is earned, thereby pushing out remaining option periods each time an award term is earned. By identifying prices in Schedule B for periods of performance, the offeror agrees that subject prices apply to either the option periods of performance, or award terms, as appropriate.

Except when it is determined not to be in the Government's best interest, the Government will evaluate offers for award purposes by adding the total price for all options and potential award term periods to the total price of the basic requirement. Evaluation of options and award terms will not obligate the Government to exercise the options, nor extend the award term if the conditions at EDAR 3416.470(f) apply.

Schedule B

CLIN 0001 Base period of performance
CLIN 0002 Base + one year (option or award term)
CLIN 0003 Base + two years (option or award term)
CLIN 0004 Base + three years (option or award term)
CLIN 0005 Base + four years (option or award term)
CLIN 0006 Base + five years (option or award term)
CLIN 0007 Base + six years (option or award term)
CLIN 0008 Base + seven years (option or award term)
CLIN 0009 Base + eight years (option)
[END OF CLAUSE]

■ 82. Add section 3452.219–70 to read as follows:

3452.219–70 Evaluation preference—targeted socioeconomic categories.

EVALUATION PREFERENCE—TARGETED SOCIOECONOMIC CATEGORIES (MAY 2013)

As prescribed in 3419.70, insert a provision substantially the same as the following:

This clause is to be read in harmony with any other evaluation clause incorporated. Preference provided under this clause takes precedence and all other clauses for the evaluation of offers hereby incorporate the

preference of the targeted socioeconomic categories contained herein.

In order to help meet its socioeconomic goals, Offerors are advised that the Department of Education has identified this acquisition as one that has an evaluation preference for Historically Underutilized Business Zone (HUBZone) small businesses and Service-Disabled Veteran-Owned small businesses (SDVOSB). For evaluation purposes only, quotes received from HUBZone or SDVOSB small businesses will be reduced by 10 percent. Once reduced, all quotes or offers received as a result of this solicitation will be evaluated for award and award will be made to that offeror or quoter that offers the lowest evaluated price, technically acceptable solution.
[END OF CLAUSE]

■ 83. Add section 3452.231–70 to read as follows:

3452.231–70 Food costs.

As prescribed in 3431.205–70, insert a provision substantially the same as the following:

FOOD COSTS (MAY 2013)

No food may be provided under this contract or in association with this contract unless consent is provided below. The cost of food under this contract is unallowable unless the contractor receives written consent from the Contracting Officer prior to the incurrence of the cost. If the contractor wishes to be reimbursed for a food cost, there must be a request in writing at least 21 days prior to the day that costs would be incurred. The contractor must include in its request the following: the purpose of the event at which the food will be served, why the food is integral to fulfill a Government requirement in the contract, and the proposed costs. The lack of a timely response from the Contracting Officer must not constitute constructive acceptance of the allowability of the proposed charge. Fill-in Consent is hereby given to the contractor to _____.

[END OF CLAUSE]

■ 84. Add section 3452.231–71 to read as follows:

3452.231–71 Travel costs.

As prescribed in 3431.205–71, insert a provision substantially the same as the following:

TRAVEL COSTS (MAY 2013)

No invitational travel (defined as: Official Government travel conducted by a non-Federal employee in order to provide a "Direct Service" [i.e., presenting on a topic, serving as a facilitator, serving on a Federal Advisory Committee Act, or advising in an area of expertise] to the Government) may be provided under this contract or in association with this contract unless consent is provided below. The cost of invitational travel under this contract is unallowable unless the contractor receives written consent from the Contracting Officer prior to the incurrence of the cost. If the contractor wishes to be reimbursed for a cost related to invitational travel, a request must be in writing at least 21 days prior to the day that costs would be incurred. The contractor must include in its request the following: Why the invitational travel cost is integral to fulfill a Government requirement in the contract, and the proposed cost that must be in accordance with Federal Travel Regulations. The lack of a timely response from the Contracting Officer must not constitute constructive acceptance of the allowability of the proposed charge.

Consent is hereby given to the contractor to _____.

[END OF CLAUSE]

■ 85. Add section 3452.231–72 to read as follows:

3452.231–72 Clearance of conferences/meetings.

As prescribed in 3431.205–72, insert a provision substantially the same as the following:

CLEARANCE OF CONFERENCES/MEETINGS (MAY 2013)

Any hotel/venue contract that the Contractor negotiates must be reviewed by and receive concurrence from an Event Services Team member prior to final agreement. The Event Services staff can be contacted at (202) 401–3679 or *event.services@ed.gov.*

Comps: The Contractors' efforts to obtain comps on behalf of the Department will focus primarily on meeting rooms, audio-visual equipment, etc. The Contractor does *not* have authority to negotiate or accept room upgrades for Department or Contractor staff.

Dual Compensation: Contractors are prohibited from receiving compensation from both the Department and any other source for conference planning performed pursuant to the terms of this Contract. If the vendor receives any compensation from another source as a result of conference services performed for the Department, the Contractor will report this compensation to the Contracting Officer and offset its invoice to the Department in an equal amount.
[END OF CLAUSE]

Section 3452.239–70 [Removed]

■ 86. Remove section 3452.239–70.

■ 87. Add subpart 3452.3, to read as follows:

Subpart 3452.3—Provision and Clause Matrix

Sec.
3452.301 Solicitation provisions and contract clauses (Matrix).

Subpart 3452.3—Provision and Clause Matrix

3452.301 Solicitation provisions and contract clauses (Matrix).

(a) The following matrix provides a summary of provisions and clauses contained in the EDAR and their appropriate use. For each provision or clause listed, the matrix provides—

(1) Whether incorporation by reference is or is not authorized (see FAR 52.102);

(2) The section of the Uniform Contract Format (UCF) in which it is to be located, if it is used in an acquisition that is subject to the UCF;

(3) Its number;

(4) The citation of the EDAR text that prescribes its use; and

(5) Its title.

(b) Because the matrix does not provide sufficient information to determine the applicability of a provision or clause in the "required-when-applicable" and "optional" categories, contracting officers must refer to the EDAR text (cited in the matrix) that prescribes its use and the specific circumstances of the requirement being procured.

KEY

Type of contract	Contract purpose
P or C = Provision or Clause IBR = Is Incorporation by Reference Authorized? UCF = Uniform Contract Format Section, When Applicable FP SUP = Fixed-Price Supply CR SUP = Cost-Reimbursement Supply FP R&D = Fixed-Price Research & Development CR R&D = Cost-Reimbursement Research & Development FP SVC = Fixed-Price Service CR SVC = Cost-Reimbursement Service FP CON = Fixed-Price Construction CR CON = Cost-Reimbursement Construction T&M LH = Time & Materials/Labor Hours LMV = Leasing of Motor Vehicles	R = Required. A = Required when Applicable. O = Optional.

KEY—Continued

Type of contract	Contract purpose
COM SVC = Communication Services DDR = Dismantling, Demolition, or Removal of Improvements A&E = Architect-Engineering FAC = Facilities IND DEL = Indefinite Delivery TRN = Transportation SAP = Simplified Acquisition Procedures (excluding micro-purchases) UTL SVC = Utility Services CI = Commercial Items	

BILLING CODE 40008–01–P

PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT

PROVISION OR CLAUSE	PRESCRIBED IN	P OR C	IBR	U C F	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	TM LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
3452.201–70 Contracting Officer's Representative (COR).	3401.670–3	C	N	H	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O		O	O
3452.202–1 Definitions — Department of Education	3402.201	C	Y	I	R	R	A	R	R	R		R	R	R	R		R	R	R	R		R	
3452.204–70 Maintenance and Retention of Government-Owned/Contractor-Held Federal Records.	3404.7001	C	N	I	A	A	A	A	A	A			A		A								
3452.208–71 Printing.	3408.870	C	Y				A	A	A	A			A		A								
3452.208–72 Paperwork Reduction Act.	3408.871	C	Y	I			A	A	A	A			A		A								
3452.209–70 Conflict of interest certification.	3409.507–1	P	N	K			R	R	R	R			R		R								
3452.209–71 Conflict of interest.	3409.507–2	C	N	I			R	R	R	R			R		R								
3452.215–70 Release of restricted data.	3415.209	P	Y	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
3452.216–70 Additional cost principles.	3416.307(b)	C	Y	I		A		A		A		A											
3452.216–71 Award-Term.	3416.470	C	N	H	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A

3452.217-70 Evaluation of options to include award terms.	3417.208(c)	P	N	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A
3452.219-70 Evaluation Preference – Targeted Socioeconomic Categories	3419.70	C	N	B			A	A	A	A			A	A	A						A		
3452.224-70 Release of information under the Freedom of Information Act	3424.203	C	Y	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R	R
3452.224-71 Notice about research activities involving human subjects.	3424.170	P	N	H			A	A	A	A			A		A								
3452.224-72 Research activities involving human subjects.	3424.170	C	Y	H			A	A	A	A			A		A								
3452.227-70 Publication and publicity.	3427.409	C	Y	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R	R
3452.227-71 Advertising of awards.	3427.409	C	Y	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R	R
3452.227-72 Use and nondisclosure agreement.	3427.409	C	N	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	A	R	R
3452.227-73 Limitations on the use or disclosure of Government-furnished information marked with restrictive legends.	3427.409	C	Y	I			A	A	A	A			A		A						A		
3452.228-70 Required insurance.	3428.311-2	C	Y	I		R		R		R		R											
3452.231-70 Food Costs	3431.205-70	C	N	I			A	A	A	A			A		A				A				A
3452.231-71 Travel Costs	3431.205-71	C	N	I			A	A	A	A			A		A				A				A

3452.231-73 Clearance of Conferences/Meetings	3431.205-73	C	N	I			A	A	A	A			A		A				A				A
3452.232–70 Limitation of cost or funds.	3432.705–2	C	N	I		A		A		A		A											
3452.232–71 Incremental funding.	3432.705–2	P	N	I		A		A		A		A											
3452.237–70 Services of consultants.	3437.270	C	N	I				A		A					A								
3452.237–71 Observance of administrative closures.	3437.170	C	Y	H			R	R	R	R					R								
3452.239–71 Notice to offerors of Department security requirements.	3439.702	P	N	I			A	A	A	A	A	A	A		A		A			A			A
3452.239–72 Department security requirements.	3439.702	C	Y	I			A	A	A	A	A	A	A		A		A			A			A
3452.239–73 Federal desktop core configuration (FDCC) compatibility.	3439.703	C	Y	H			A	A	A	A	A	A	A		A		A			A			A
3452.242–70 Litigation and claims.	3442.7001	C	Y	I		R		R		R		R											
3452.242–71 Notice to the Government of delays	3442.7002	C	Y	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R	
3452.242–73 Accessibility of meetings conferences, and seminars to persons with disabilities.	3442.7101(b)	C	Y	I			A	A	A	A			A		A								
3452.243–70 Key personnel	3443.107	C	N	H		A		A		A		A											
3452.247–70 Foreign travel	3447.701	C	Y	I		A		A		A		A											

[FR Doc. 2014–15695 Filed 7–15–14; 8:45 am]
BILLING CODE 4000–01–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130702585–4484–01]

RIN 0648–BD42

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Special Management Zones for Five Delaware Artificial Reefs

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

ACTION: Proposed rule; extension of comment period.

SUMMARY: NMFS extends for 15 days the comment period on the proposed rule to implement special management zones for five Delaware artificial reefs.

DATES: The deadline for written comments on the proposed rule published on June 19, 2014 (79 FR 35141), is extended from August 4, 2014, to August 19, 2014.

ADDRESSES: You may submit comments, identified NOAA–NMFS–2014–0060, by any of the following methods:

- *Federal e-rulemaking portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0060* click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail and Hand Delivery:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: "Comments on SMZ Measures."

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.

Copies of the Environmental Assessment and Initial Regulatory Flexibility Analysis (EA/IRFA) and other supporting documents for the Special Management Zones measures are available from Paul Perra, NOAA/NMFS, Sustainable Fisheries Division, 55 Great Republic Drive, Gloucester, MA 01930. The Special Management Zone measures document is also accessible via the Internet at: *http://www.nero.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Perra, Fishery Policy Analyst, (978) 281–9153.

SUPPLEMENTARY INFORMATION: The Delaware Fish and Wildlife Department (DFW) requested that the Mid-Atlantic Fishery Management Council designate five artificial reef sites, currently permitted by the U.S. Corps of Engineers in the Exclusive Economic Zone (EEZ), as Special management Zones (SMZs) under the regulations implementing the Council's Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The SMZ request noted that the DFW has received complaints from hook-and-line anglers regarding fouling of their fishing gear in commercial pots and lines on ocean reef sites for more than 10 years. It also noted that the U.S. Fish and Wildlife Service (FWS) Sportfish Restoration Program had notified DFW that these gear conflicts are not consistent with the objectives of the Sportfish Restoration Program, which provides funding for the building and maintenance of the artificial reefs. In order to comply with the goals of the Sportfish Restoration Program, the FWS is requiring that state artificial reef programs be able to limit gear conflicts by state regulations in state waters or by SMZs for sites in the EEZ.

After considering the DFW request, the Council recommended that all five artificial reefs be established as SMZs through a regulatory amendment. The action, as proposed, would allow only hook-and-line and spear fishing (including the taking of fish by hand) in the artificial reef designated areas, and these measures should be implemented with a 500-yard (457.2-m) enforcement buffer around each artificial reef site. In response to the Council's recommendation, NMFS developed a Draft Environmental Assessment and a proposed rule to implement the SMZs measures, as recommended by the Council, published in the **Federal Register** on June 19, 2014, (79 FR 35141), with a 45-day comment period that closes August 4, 2014.

Summer flounder, scup, and black sea bass are managed jointly by the Council and Atlantic States Marine Fisheries Commission. The comment period on the proposed rule is scheduled to close on August 4, 2014, the day before the start of the next meeting of the Commission, and a week before the next Council meeting. In order to provide further opportunity for the Commission and Council to formulate comments, and give more opportunity for the public to review and provide comments on the proposed rule to implement SMZs for five Delaware artificial reefs, NMFS is extending the comment period on the proposed rule until August 19, 2014.

Dated: July 11, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–16704 Filed 7–15–14; 8:45 am]
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Notices

Federal Register
Vol. 79, No. 136
Wednesday, July 16, 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

Food and Nutrition Service

Child and Adult Care Food Program: National Average Payment Rates, Day Care Home; Food Service Payment Rates, and Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes for the Period July 1, 2014 Through June 30, 2015

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the annual adjustments to the national average payment rates for meals and snacks served in child care centers, outside-school-hours care centers, at-risk afterschool care centers, and adult day care centers; the food service payment rates for meals and snacks served in day care homes; and the administrative reimbursement rates for sponsoring organizations of day care homes, to reflect changes in the Consumer Price Index. Further adjustments are made to these rates to reflect the higher costs of providing meals in the States of Alaska and Hawaii. The adjustments contained in this notice are made on an annual basis each July, as required by the laws and regulations governing the Child and Adult Care Food Program.

DATES: These rates are effective from July 1, 2014 through June 30, 2015.

FOR FURTHER INFORMATION CONTACT: Tina Namian, Branch Chief, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1206, Alexandria, Virginia 22302–1594, 703–305–2590.

SUPPLEMENTARY INFORMATION:

Definitions

The terms used in this notice have the meanings ascribed to them in the Child and Adult Care Food Program regulations, 7 CFR part 226.

Background

Pursuant to sections 4, 11, and 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753, 1759a and 1766), section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), and 7 CFR 226.4, 226.12 and 226.13 of the Program regulations, notice is hereby given of the new payment rates for institutions participating in the Child and Adult Care Food Program (CACFP). These rates are in effect during the period, July 1, 2014 through June 30, 2015.

As provided for under the law, all rates in the CACFP must be revised annually, on July 1, to reflect changes in the Consumer Price Index (CPI), published by the Bureau of Labor Statistics of the United States Department of Labor, for the most recent 12-month period. In accordance with this mandate, the United States Department of Agriculture (USDA) last published the adjusted national average payment rates for centers, the food service payment rates for day care homes, and the administrative reimbursement rates for sponsoring organizations of day care homes, for the period from July 1, 2013 through June 30, 2014, on July 26, 2013, in the **Federal Register** at 78 FR 45176.

Adjusted Payments

The following national average payment factors and food service payment rates for meals and snacks are in effect from July 1, 2014 through June 30, 2015. All amounts are expressed in dollars or fractions thereof. Due to a higher cost of living, the reimbursements for Alaska and Hawaii are higher than those for all other States. The District of Columbia, Virgin Islands, Puerto Rico, and Guam use the figures specified for the contiguous States. These rates do not include the value of USDA Foods or cash-in-lieu of USDA Foods which institutions receive as additional assistance for each lunch or supper served to participants under the Program. A notice announcing the value of USDA Foods and cash-in-lieu of USDA Foods is published separately in the **Federal Register**.

National Average Payment Rates for Centers

Payments for breakfast served are: *Contiguous States*—paid rate—28 cents, reduced price rate—132 cents, free rate—162 cents; *Alaska*—paid rate—42 cents, reduced price rate—229 cents, free rate—259 cents; *Hawaii*—paid rate –32 cents, reduced price rate –158 cents, free rate—188 cents.

Payments for lunch or supper served are: *Contiguous States*—paid rate—28 cents, reduced price rate—258 cents, free rate—298 cents; *Alaska*—paid rate—46 cents, reduced price rate—444 cents, free rate—484 cents; *Hawaii*—paid rate—33 cents, reduced price rate—309 cents, free rate—349 cents.

Payments for snack served are: *Contiguous States*—paid rate—7 cents, reduced price rate—41 cents, free rate—82 cents; *Alaska*—paid rate—12 cents, reduced price rate—66 cents, free rate—133 cents; *Hawaii*—paid rate—8 cents, reduced price rate—48 cents, free rate—96 cents.

Food Service Payment Rates for Day Care Homes

Payments for breakfast served are: *Contiguous States*—tier I—131 cents and tier II—48 cents; *Alaska*—tier I—209 cents and tier II—74 cents; *Hawaii*—tier I—153 cents and tier II—55 cents.

Payments for lunch or supper served are: *Contiguous States*—tier I—247 cents and tier II—149 cents; *Alaska*—tier I—400 cents and tier II—241 cents; *Hawaii*—tier I—288 cents and tier II—174 cents.

Payments for snack served are: *Contiguous States*—tier I—73 cents and tier II—20 cents; *Alaska*—tier I—119 cents and tier II—33 cents; *Hawaii*—tier I—86 cents and tier II—23 cents.

Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes

Monthly administrative payments to sponsors for each sponsored day care home are: *Contiguous States*—initial 50 homes—111 dollars, next 150 homes—85 dollars, next 800 homes—66 dollars, each additional home—58 dollars; *Alaska*—initial 50 homes—180 dollars, next 150 homes—137 dollars, next 800 homes—107 dollars, each additional home—94 dollars; *Hawaii*—initial 50 homes—130 dollars, next 150 homes—

99 dollars, next 800 homes—77 dollars, each additional home—68 dollars.

Payment Chart

The following chart illustrates the national average payment factors and food service payment rates for meals and snacks in effect from July 1, 2014 through June 30, 2015.

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

[Per meal rates in whole or fractions of U.S. dollars effective from July 1, 2014–June 30, 2015]

Centers	Breakfast	Lunch and supper [1]	Snack
Contiguous states:			
Paid	0.28	0.28	0.07
Reduced price	1.32	2.58	0.41
Free	1.62	2.98	0.82
Alaska:			
Paid	0.42	0.46	0.12
Reduced price	2.29	4.44	0.66
Free	2.59	4.84	1.33
Hawaii:			
Paid	0.32	0.33	0.08
Reduced price	1.58	3.09	0.48
Free	1.88	3.49	0.96

Day care homes	Breakfast		Lunch and supper		Snack	
	Tier I	Tier II	Tier I	Tier II	Tier I	Tier II
Contiguous states	1.31	0.48	2.47	1.49	0.73	0.20
Alaska	2.09	0.74	4.00	2.41	1.19	0.33
Hawaii	1.53	0.55	2.88	1.74	0.86	0.23

Administrative reimbursement rates for sponsoring organizations of day care homes *per home/per month rates in U.S. dollars*	Initial 50	Next 150	Next 800	Each addl.
Contiguous states	111	85	66	58
Alaska	180	137	107	94
Hawaii	130	99	77	68

[1] These rates do not include the value of USDA Foods or cash-in-lieu of USDA Foods which institutions receive as additional assistance for each CACFP lunch or supper served to participants. A notice announcing the value of USDA Foods and cash-in-lieu of USDA Foods is published separately in the **Federal Register**.

The changes in the national average payment rates for centers reflect a 2.19 percent increase during the 12-month period, May 2013 to May 2014, (from 242.642 in May 2013, as previously published in the **Federal Register**, to 247.952 in May 2014) in the food away from home series of the CPI for All Urban Consumers.

The changes in the food service payment rates for day care homes reflect a 2.66 percent increase during the 12-month period, May 2013 to May 2014, (from 233.302 in May 2013, as previously published in the **Federal Register** to 239.504 in May 2014) in the food at home series of the CPI for All Urban Consumers.

The changes in the administrative reimbursement rates for sponsoring organizations of day care homes reflect a 2.13 percent increase during the 12-month period, May 2013 to May 2014, (from 232.945 in May 2013, as previously published in the **Federal Register**, to 237.900 in May 2014) in the series for all items of the CPI for All Urban Consumers.

The total amount of payments available to each State agency for distribution to institutions participating in CACFP is based on the rates contained in this notice.

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act. This notice has been determined to be exempt under Executive Order 12866.

CACFP is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, Subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This notice has been determined to be not significant and was reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866. This notice imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3518).

Authority: Sections 4(b)(2), 11a, 17(c) and 17(f)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b)(2), 1759a, 1766(f)(3)(B)) and section 4(b)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(B)).

Dated: July 9, 2014.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2014–16718 Filed 7–15–14; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

National School Lunch, Special Milk, and School Breakfast Programs: National Average Payments/Maximum Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the annual adjustments to the "national

average payments," the amount of money the Federal Government provides States for lunches, afterschool snacks and breakfasts served to children participating in the National School Lunch and School Breakfast Programs; to the "maximum reimbursement rates," the maximum per lunch rate from Federal funds that a State can provide a school food authority for lunches served to children participating in the National School Lunch Program; and to the rate of reimbursement for a half-pint of milk served to non-needy children in a school or institution which participates in the Special Milk Program for Children. The payments and rates are prescribed on an annual basis each July. The annual payments and rates adjustments for the National School Lunch and School Breakfast Programs reflect changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers. The annual rate adjustment for the Special Milk Program reflects changes in the Producer Price Index for Fluid Milk Products.

DATES: These rates are effective from July 1, 2014 through June 30, 2015.

FOR FURTHER INFORMATION CONTACT: Rosemary O'Connell, Branch Chief, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1206, Alexandria, VA 22302; or phone (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Background

Special Milk Program for Children—Pursuant to section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), the Department announces the rate of reimbursement for a half-pint of milk served to non-needy children in a school or institution that participates in the Special Milk Program for Children. This rate is adjusted annually to reflect changes in the Producer Price Index for Fluid Milk Products, published by the Bureau of Labor Statistics of the Department of Labor.

For the period July 1, 2014 through June 30, 2015, the rate of reimbursement for a half-pint of milk served to a non-needy child in a school or institution which participates in the Special Milk Program is 20.30 cents. This reflects an increase of 13.45 percent in the Producer Price Index for Fluid Milk Products from May 2013 to May 2014 (from a level of 221.6 in May 2013, as previously published in the **Federal Register** to 251.4 in May 2014).

As a reminder, schools or institutions with pricing programs that elect to serve milk free to eligible children continue to receive the average cost of a half-pint of milk (the total cost of all milk purchased during the claim period divided by the total number of purchased half-pints) for each half-pint served to an eligible child.

National School Lunch and School Breakfast Programs—Pursuant to sections 11 and 17A of the Richard B. Russell National School Lunch Act, (42 U.S.C. 1759a and 1766a), and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Department annually announces the adjustments to the National Average Payment Factors and to the maximum Federal reimbursement rates for lunches and afterschool snacks served to children participating in the National School Lunch Program and breakfasts served to children participating in the School Breakfast Program. Adjustments are prescribed each July 1, based on changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor. The changes in the national average payment rates for schools and residential child care institutions for the period July 1, 2014 through June 30, 2015 reflect a 2.19 percent increase in the Consumer Price Index for All Urban Consumers during the 12-month period May 2013 to May 2014 (from a level of 242.642 in May 2013, as previously published in the **Federal Register** to 247.952 in May 2014). Adjustments to the national average payment rates for all lunches served under the National School Lunch Program, breakfasts served under the School Breakfast Program, and afterschool snacks served under the National School Lunch Program are rounded down to the nearest whole cent.

Lunch Payment Levels—Section 4 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753) provides general cash for food assistance payments to States to assist schools in purchasing food. The Richard B. Russell National School Lunch Act provides two different section 4 payment levels for lunches served under the National School Lunch Program. The lower payment level applies to lunches served by school food authorities in which less than 60 percent of the lunches served in the school lunch program during the second preceding school year were served free or at a reduced price. The higher payment level applies to lunches served by school food authorities in which 60 percent or more of the lunches served during the second preceding school year were served free or at a reduced price.

To supplement these section 4 payments, section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) provides special cash assistance payments to aid schools in providing free and reduced price lunches. The section 11 National Average Payment Factor for each reduced price lunch served is set at 40 cents less than the factor for each free lunch.

As authorized under sections 8 and 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1757 and 1759a), maximum reimbursement rates for each type of lunch are prescribed by the Department in this Notice. These maximum rates are to ensure equitable disbursement of Federal funds to school food authorities.

Section 201 of the Healthy, Hunger-Free Kids Act of 2010—Section 201 of the Healthy, Hunger-Free Kids Act of 2010 made significant changes to the Richard B. Russell National School Lunch Act. On January 3, 2014, the final rule entitled, "Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010" (79 FR 325), was published and provides eligible school food authorities with performance-based cash reimbursement in addition to the general and special cash assistance described above. The final rule requires that school food authorities be certified by the State agency as being in compliance with the updated meal pattern and nutrition standard requirements set forth in amendments to 7 CFR parts 210 and 220 on January 26, 2012, in the final rule entitled "Nutrition Standards in the National School Lunch and School Breakfast Programs" (77 FR 4088). Certified school food authorities are eligible to receive performance-based cash assistance for each reimbursable lunch served (an additional six cents per lunch available beginning October 1, 2012, and adjusted annually thereafter).

Afterschool Snack Payments in Afterschool Care Programs—Section 17A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766a) establishes National Average Payments for free, reduced price and paid afterschool snacks as part of the National School Lunch Program.

Breakfast Payment Factors—Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) establishes National Average Payment Factors for free, reduced price and paid breakfasts served under the School Breakfast Program and additional payments for free and reduced price breakfasts served in schools determined to be in "severe

need" because they serve a high percentage of needy children.

Revised Payments

The following specific section 4, section 11 and section 17A National Average Payment Factors and maximum reimbursement rates for lunch, the afterschool snack rates and the breakfast rates are in effect from July 1, 2014 through June 30, 2015. Due to a higher cost of living, the average payments and maximum reimbursements for Alaska and Hawaii are higher than those for all other States. The District of Columbia, Virgin Islands, Puerto Rico and Guam use the figures specified for the contiguous States.

National School Lunch Program Payments

Section 4 National Average Payment Factors—In school food authorities which served less than 60 percent free and reduced price lunches in School Year 2012–13, the payments for meals served are: *Contiguous States*—paid rate—28 cents, free and reduced price rate—28 cents, maximum rate—36 cents; *Alaska*—paid rate—46 cents, free and reduced price rate—46 cents, maximum rate—57 cents; *Hawaii*—paid rate—33 cents, free and reduced price rate—33 cents, maximum rate—41 cents.

In school food authorities which served 60 percent or more free and reduced price lunches in School Year 2012–13, payments are: *Contiguous States*—paid rate—30 cents, free and reduced price rate—30 cents, maximum rate—36 cents; *Alaska*—paid rate—48 cents, free and reduced price rate—48 cents, maximum rate—57 cents; *Hawaii*—paid rate—35 cents, free and reduced price rate—35 cents, maximum rate—41 cents.

School food authorities certified to receive the performance-based cash assistance will receive an additional 6 cents (adjusted annually) added to the above amounts as part of their section 4 payments.

Section 11 National Average Payment Factors—Contiguous States—free lunch—270 cents, reduced price lunch—230 cents; *Alaska*—free lunch—438 cents, reduced price lunch—398 cents; *Hawaii*—free lunch—316 cents, reduced price lunch—276 cents.

Afterschool Snacks in Afterschool Care Programs—The payments are: *Contiguous States*—free snack—82 cents, reduced price snack—41 cents, paid snack—07 cents; *Alaska*—free snack—133 cents, reduced price snack—66 cents, paid snack—12 cents; *Hawaii*—free snack—96 cents, reduced price snack—48 cents, paid snack—08 cents.

School Breakfast Program Payments

For schools "not in severe need" the payments are: *Contiguous States*—free breakfast—162 cents, reduced price breakfast—132 cents, paid breakfast—28 cents; *Alaska*—free breakfast—259 cents, reduced price breakfast—229 cents, paid breakfast—42 cents; *Hawaii*—free breakfast—188 cents, reduced price breakfast—158 cents, paid breakfast—32 cents.

For schools in "severe need" the payments are: *Contiguous States*—free breakfast—193 cents, reduced price breakfast—163 cents, paid breakfast—28 cents; *Alaska*—free breakfast—310 cents, reduced price breakfast—280 cents, paid breakfast—42 cents; *Hawaii*—free breakfast—225 cents, reduced price breakfast—195 cents, paid breakfast—32 cents.

Payment Chart

The following chart illustrates the lunch National Average Payment Factors with the sections 4 and 11 already combined to indicate the per lunch amount; the maximum lunch reimbursement rates; the reimbursement rates for afterschool snacks served in afterschool care programs; the breakfast National Average Payment Factors including "severe need" schools; and the milk reimbursement rate. All amounts are expressed in dollars or fractions thereof. The payment factors and reimbursement rates used for the District of Columbia, Virgin Islands, Puerto Rico and Guam are those specified for the contiguous States.

SCHOOL PROGRAMS MEAL, SNACK AND MILK PAYMENTS TO STATES AND SCHOOL FOOD AUTHORITIES

[Expressed in dollars or fractions thereof effective from July 1, 2014–June 30, 2015]

National school lunch program *	Less than 60%	Less than 60% + 6 cents *	60% or more	60% or more + 6 cents *	Maximim rate	Maximum rate + 6 cents *
Contiguous States:						
Paid	0.28	0.34	0.30	0.36	0.36	0.42
Reduced Price	2.58	2.64	2.60	2.66	2.75	2.81
Free	2.98	3.04	3.00	3.06	3.15	3.21
Alaska:						
Paid	0.46	0.52	0.48	0.54	0.57	0.63
Reduced Price	4.44	4.50	4.46	4.52	4.69	4.75
Free	4.84	4.90	4.86	4.92	5.09	5.15
Hawaii:						
Paid	0.33	0.39	0.35	0.41	0.41	0.47
Reduced Price	3.09	3.15	3.11	3.17	3.28	3.34
Free	3.49	3.55	3.51	3.57	3.68	3.74

School breakfast program	Non-severe need	Severe need
Contiguous States:		
Paid	0.28	0.28
Reduced Price	1.32	1.63
Free	1.62	1.93
Alaska:		
Paid	0.42	0.42
Reduced Price	2.29	2.80
Free	2.59	3.10
Hawaii:		
Paid	0.32	0.32
Reduced Price	1.58	1.95

School breakfast program	Non-severe need	Severe need
Free	1.88	2.25

Special milk program	All milk	Paid milk	Free milk
Pricing programs without free option	0.2300	N/A	N/A.
Pricing programs with free option	N/A	0.2300	Average Cost Per ½ Pint of Milk.
Nonpricing programs	0.2300	N/A	N/A.

* Performance-based cash reimbursement (adjusted annually for inflation).

Afterschool Snacks Served in Afterschool Care Programs	
Contiguous States:	
Paid	0.07
Reduced Price	0.41
Free	0.82
Alaska:	
Paid	0.12
Reduced Price	0.66
Free	1.33
Hawaii:	
Paid	0.08
Reduced Price	0.48
Free	0.96

* Payment listed for Free and Reduced Price Lunches include both section 4 and section 11 funds.

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This notice has been determined to be not significant and was reviewed by the Office of Management and Budget in conformance with Executive Order 12866.

National School Lunch, School Breakfast and Special Milk Programs are listed in the Catalog of Federal Domestic Assistance under No. 10.555, No. 10.553 and No. 10.556, respectively, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, Subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983).

Authority: Sections 4, 8, 11 and 17A of the Richard B. Russell National School Lunch Act, as amended, (42 U.S.C. 1753, 1757, 1759a, 1766a) and sections 3 and 4(b) of the Child Nutrition Act, as amended, (42 U.S.C. 1772 and 42 U.S.C. 1773(b)).

Dated: July 11, 2014.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2014–16719 Filed 7–15–14; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to re-establish an advisory committee.

SUMMARY: The Secretary of Agriculture intends to re-establish the National Urban and Community Forestry Advisory Council (Council). In accordance with provisions of the Federal Advisory Committee Act (FACA), the Council is being re-established to continue: (1) Developing a National Urban and Community Forestry action plan in accordance with Section 9(g)(3)(A–F) of the Act; (2) evaluating the implementation of the plan; (3) developing criteria; and (4) submitting recommendations for the Forest Service's National Urban and Community Forestry Cost-share Grant Program as required by Section 9(f)(1–2) of the Act. The Council is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Nancy Stremple, U.S. Department of Agriculture, Forest Service, State and Private Forestry, Cooperative Forestry, address: Yates Building, 3NW, Mail Stop 1151, 201 14th Street SW., Washington, DC 20250 or telephone: 202–205–7829. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App 2), Section 9 of the Cooperative Forestry Assistance Act, as amended by Title XII, Section 1219 of Public Law 101–624 (Act) (16 U.S.C. 2105g), and with the concurrences of the General Services Administration (GSA), the Secretary of Agriculture intends to re-establish the Council. The Council is a statutory advisory committee. The Council operates under the provisions of FACA and will report to the Secretary of Agriculture through the Chief of the Forest Service.

The purpose of the Council is to provide advice on urban and community forestry and related natural resources and make recommendations on how USDA can tailor its programs to better serve the needs of the urban and community forestry community of practice. The Council will perfom the following tasks listed above in the "Summary Section".

Advisory Committee Organization

The Council will be comprised of 15 members who provide a balanced and broad representation within each of the following interests:

(1) Two members representing national nonprofit forestry and conservation citizen organizations;

(2) Three members, one each representing State, county, and city and town governments;

(3) One member representing the forest products, nursery, or related industries;

(4) One member representing urban forestry, landscape, or design consultants;

(5) Two members representing academic institutions with an expertise in urban and community forestry activities;

(6) One member representing state forestry agencies or equivalent state agencies;

(7) One member representing a professional renewable natural resource or arboricultural society;

(8) One member from Extension Service (National Institute of Food & Agriculture);

(9) One member from the Forest Service; and

(10) Two members who are not officers or employees of any governmental body, one of whom is a resident of a community with a population of less that 50,000 as of the most recent census and both of whom have expertise and have been active in urban and community forestry.

No individual who is currently registered as a Federal lobbyist is eligible to serve as a member of the Council. Members of the Council serve without compensation, but may be reimbursed for travel expenses while performing duties on behalf of the Council, subject to approval by the Designated Federal Official (DFO). The Council meets bi-annually or as often as necessary and at such times as designated by the DFO.

The appointment of members to the Council is made by the Secretary of Agriculture. Further information about the Council is posted on the National Urban and Community Forestry Advisory Council Web site: *www.fs.fed.us/ucf.nucfac.html.*

Equal opportunity practices in accordance with U.S. Department of Agriculture (USDA) policies will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by USDA, membership includes to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Dated: July 8, 2014.

Gregory L. Parham,

Assistant Secretary for Administration.

[FR Doc. 2014–16684 Filed 7–15–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Mississippi Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Mississippi Resource Advisory Committee (RAC) will meet in Meadville, Mississippi. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meetings are open to the public. The purpose of the meetings are to review and recommend project proposals.

DATES: The meetings will be held from 6:00 p.m. to 8:00 p.m. on the following dates:

- August 14, 2014
- August 19, 2014

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Bude Work Center, 3085 Hwy 98 East, Meadville, Mississippi. Directions and/or teleconference phone number and passcode may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or Dave Chabreck, RAC Coordinator, by phone at 601–384–5876.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Homochitto Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Bruce Prud'homme, Designated Federal Officer, by phone at 601–384–5876 or via email at *bprudhomme@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/RAC/Southwest+Mississippi?OpenDocument.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 1, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Bruce Prud'homme, Homochitto District Ranger, 1200 Hwy 184 East, Meadville, Mississippi 39653; by email to *bprudhomme@fs.fed.us* or via facsimile to 601–384–2172.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

July 9, 2014.

Bruce Prud'homme,

Designated Federal Official.

[FR Doc. 2014–16678 Filed 7–15–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–25–2014]

Foreign-Trade Zone 90—Onondaga County, NY; Authorization of Production Activity; PPC Broadband, Inc., (Coaxial Cable Connectors) Dewitt, NY

On March 10, 2014, the Onondaga County Office of Economic Development, grantee of FTZ 90, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of PPC Broadband, Inc., within Subzone 90C, in Dewitt, New York.

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 16279, 03/25/2014). 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 Board's regulations, including Section 400.14.

Dated: July 8, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–16772 Filed 7–15–14; 8:45 am]

BILLING CODE 3510–DS–P

U.S. DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Internet Address for Application Formats

On November 19, 2013, the Foreign-Trade Zones (FTZ) Board published a notice in the **Federal Register** pertaining to the change of the name "Import Administration" to "Enforcement and Compliance" within the Department of Commerce. As a result of that change, certain internet addresses related to the FTZ Board's Web site have changed. The updated internet address for the FTZ Board's application formats (which continue to be effective pursuant to the March 25, 2013, approval of information-collection authority by the Office of Management and Budget) is *http://enforcement.trade.gov/ftzpage/applications.html.*

Any questions regarding the FTZ Board's application formats—including any difficulty in accessing the formats via the internet address referenced above—may be addressed to the Board's staff at (202) 482–2862 or *ftz@trade.gov.*

Dated: July 10, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–16771 Filed 7–15–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before August 5, 2014. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 14–011. Applicant: University of California, San Diego, 9500 Gilman Drive, La Jolla, CA 92093. Instrument: iMIC Digital Microscope 2.0. Manufacturer: TILL Photonics (FEI Munich), Germany. Intended Use: The instrument will be used to gain fundamental knowledge of the mechanisms involved in eukaryotic cell motion, by utilizing a total internal reflection technique which allows visualization of only the cell part that is immediately above the substratum (roughly the bottom 100 nm of a cell), which enables cell imaging with a superior spatial and temporal resolution over other non-TIRF microscopes. Examples of experiments to be conducted with the instrument include measuring the forces generated by several different cell types on substrates during directed motility, determining the spatial location of signaling components involved in cell-substrate adhesion, investigating the effect of different substrate rigidities on cell motility, determining the response of cells to externally imposed chemical gradients, and determining the role of certain signaling components in cell motility. Crucial in the experiments is the unique ability of the instrument to autofocus the imaging plane such that the cell remains in focus for an extended period of time, which guarantees sharp images for the duration of the experiments. The instrument also has a Yanus IV scanhead that enables fast Fluorescence Recovery After Photobleaching (FRAP) experiments, and a custom-made plexiglass box to facilitate specific temperature and CO_2 concentrations required by mammalian and amoeboid cells, that can easily be removed to transition between different conditions. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 7, 2014.

Docket Number: 14–016. Applicant: California Institute of Technology, 1200 East California Blvd., MC 213–15, Pasadena, CA 91125. Instrument: iXBlue OCTANS Surface—Fiber Optic Gyrocompass. Manufacturer: iXBLUE Incorporated, France. Intended Use: The instrument will be used to provide accurate data for research on earthquake early warning, by orienting more than 100 seismic sensors to the exact north direction. The instrument includes unique features such as compact design and ease of use in enclosed spaces such as small vault installations that are 8 feet deep and only 2 feet in diameter, the ability to measure orientation with an accuracy of 0.1 degrees, portability, and is based on iXBlue's proprietary algorithms that are not available domestically. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 6, 2014.

Dated: July 10, 2014.

Gregory W. Campbell,

Director of Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2014–16770 Filed 7–15–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD382

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 Groundfish Oversight Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, August 4, 2014 at 9 a.m.

ADDRESSES: The meetings will be held at the DoubleTree by Hilton, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500; fax: (978) 750–7959.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director,

New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion on the committee agenda are: Review of Amendment 18 action plan and discussion of results of the Compass Lexecon Peer Review on excessive shares in the groundfish fishery. They will review the Groundfish Plan Development Team (PDT) analysis to develop inshore/offshore areas and management measures to limit commercial and recreational concentrations of fishing effort on Gulf of Maine cod and other depleted stocks. Also, on the agenda will be the review of draft alternatives under development in Amendment 18 regarding inshore/offshore areas, accumulation limits, and data confidentiality. They will also review Framework Adjustment 53 action plan and receive an update from the PDT on progress. The committee will discuss other business as necessary.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The 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: July 11, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–16680 Filed 7–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC100

Marine Mammals; File No. 17115

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that James Lloyd-Smith, Department of Ecology and Evolutionary Biology, University of California, Los Angeles, 610 Charles E. Young Dr. South, Box 723905, Los Angeles, CA 90095–7239, has applied for an amendment to Scientific Research Permit No. 17115–02.

DATES: Written, telefaxed, or email comments must be received on or before August 15, 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 home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 17115 from the list of available applications.

These documents are also available 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; 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. 17115 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, (301)427–8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 17115–02 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 17115–00 was issued on September 24, 2012 (77 FR 63296). A major amendment, Permit No. 17115–01, was issued on August 28, 2013 (76 FR 56219). The permit was amended via a minor amendment (Permit No. 17115–02) on March 14, 2014, to clarify anesthetic procedures. Permit No. 17115–02 authorizes the permit holder to study the prevalence of leptospirosis in wild California sea lions (*Zalophus californianus*) in California. California sea lions may be taken annually (80 animals at Año Nuevo Island, 160 animals at San Nicolas Island, and 80 animals in Monterey Bay) by capture (including restraint and anesthesia); marking and measuring; and sampling (blood, urine, vibrissae). A limited number of non-target sea lions may be captured and released without sampling. Incidental disturbance is authorized annually as follows: 5,000 sea lions, 3,000 northern elephant seals (*Mirounga angustirostris*), and 60 harbor seals (*Phoca vitulina*) at Año Nuevo; 6,000 sea lions, 2,000 northern elephant seals, and 100 harbor seals on San Nicolas Island; and 3,000 sea lions, 100 elephant seals, and 50 harbor seals in Monterey Bay. The permit holder is authorized to disentangle and mark/sample a limited number of California sea lions encountered during the research activities. Eight unintentional mortalities of California sea lions are authorized over the duration of the permit. The permit expires September 30, 2017.

The permit holder requests the permit be amended to: (1) Expand the current sampling season (March to May and August to November) to any time of year excluding peak pupping season on rookeries; (2) change the project location from Año Nuevo Island and Monterey Bay as separate locations to a combined coastal California area including offshore islands; (3) increase the number of sea lions sampled annually in coastal California from 120 to 160 annually (this includes Año Nuevo Island, Monterey Bay, and other coastal areas combined); (4) add captures of pups approximately 8–9 months old (20 annually at all locations); (5) add water captures for new locations and use of injectable drugs; (6) increase incidental disturbance of California sea lions on San Nicolas Island from 6,000 to 10,000 annually; (7) increase incidental disturbance from 8,000 California sea lions combined at Año Nuevo and Monterey Bay to 10,000 total in coastal California annually; (8) add incidental disturbance of eastern Steller sea lions (*Eumetopias jubatus*) (10 annually at all locations) and incidental disturbance of northern fur seals (*Callorhinus ursinus*) (150 annually in coastal California); and (9) take additional samples in the event of an unusual mortality event or disease outbreak.

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 this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 10, 2014.

Julia Harrison,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–16666 Filed 7–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Continental United States Interceptor Site (CIS)

AGENCY: Missile Defense Agency, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Missile Defense Agency (MDA) announces its intention to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA. As required by the 2013 National Defense Authorization Act, the MDA has selected possible additional locations in the United States that would be best suited for future deployment of an interceptor capable of protecting the homeland against threats from nations, such as North Korea and Iran. The MDA is preparing this EIS to evaluate the potential environmental impacts that could result from the future deployment of the Continental United States Interceptor Site (CIS). The existing Ballistic Missile Defense System (BMDS) provides protection of the United States from a limited ballistic missile attack, and the Department of Defense has not made a decision to deploy or construct the CIS.

DATES: The MDA invites public comments on the scope of the CIS EIS during a 60-day public scoping period beginning with publication of this notice in the **Federal Register**. Comments will be accepted on or before September 15, 2014.

ADDRESSES: Written comments, statements, and/or concerns regarding the scope of the EIS or requests to be added to the EIS distribution list should be addressed to MDA CIS EIS and sent by email to *MDA.CIS.EIS@BV.COM*, by facsimile 913–458–1091, or by U.S. Postal Service to: Black & Veatch Special Projects Corp Attn: MDACIS EIS, 6601 College Boulevard, Overland Park, KS 66211–1504. Electronic or facsimile comments are preferred. If sending comments by U.S. Postal Service, please do not submit duplicate electronic or facsimile comments. All comments, including names and addresses, will be submitted to the administrative record.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Lehner, MDA Public Affairs, at 571–231–8210, or by email: *mda.info@mda.mil.*

SUPPLEMENTARY INFORMATION: In accordance with 40 Code of Federal Regulations (CFR) 1501.6, an invitation for cooperating agency status has been extended to the U.S. Department of the Army and Navy and National Guard for consultation, review, and comment on the EIS. Other cooperating agencies may be identified during the scoping process.

If deployed, the CIS would be an extension of the existing Ground-based Midcourse Defense (GMD) element of the BMDS. Under the current proposed action, the deployment of the CIS would be as a contiguous Missile Defense Complex, similar to that found at Fort Greely, Alaska and would consist of an initial deployment of 20 Ground-based Interceptors (GBIs) with the ability to expand upward to 60 GBIs. The GBIs would not be fired from their deployment site except in the Nation's defense and no test firing would be conducted at the CIS. The overall system architecture and baseline requirements for a notional CIS include, but are not limited to, the GBI fields, Command Launch Equipment, In-Flight Interceptor Communication System Data Terminals, GMD Communication Network, supporting facilities, such as lodging and dining, recreation, warehouse and bulk storage, vehicle storage and maintenance, fire station, hazardous materials/waste storage, and roads and parking where necessary.

Alternatives to be analyzed include the No-Action Alternative and sites at the Combined Training Center Fort Custer—Michigan Army National Guard, Augusta, MI; Camp Ravenna Joint Military Training Center—Ohio Army National Guard, Portage and Trumbull Counties, OH; Fort Drum Army Base, Fort Drum, NY; and the Center for Security Forces Detachment Kittery Survival, Evasion, Resistance, and Escape Facility (SERE East), Redington Township, ME. At each site, impacts will be assessed for the following resource categories—air quality, air space, biological, cultural, geology and soils, hazardous materials and hazardous waste management, health and safety, land use, noise, socioeconomics, transportation, utilities, water quality, wetlands, visual and aesthetic, environmental justice, and subsistence.

The MDA encourages all interested members of the public, as well as federal, state, and local agencies to participate in the scoping process for the preparation of this EIS. The scoping process assists in determining the scope of issues to be addressed and helps identify significant environmental issues to be analyzed in depth in the EIS.

Scoping meetings will be held in the local communities of Ravenna, OH; Galesburg and Battle Creek, MI; Carthage, NY; and Rangeley and Farmington, ME, during July through September 2014. Notification of the meeting locations, dates, and times will be published and announced in local news media prior to public scoping meetings.

Dated: July 10, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–16629 Filed 7–15–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2014–0030]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Material Inspection and Receiving Report

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD,

including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through October 31, 2014. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by September 15, 2014.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0248, using any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: osd.dfars@mail.mil. Include OMB Control Number 0704–0252 in the subject line of the message.

Fax: 571–372–6094.

Mail: Defense Acquisition Regulations System, Attn: Ms. Jennifer Hawes, OUSD(AT&L) DPAP/DARS, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Hawes, 571–372–6115. The information collection requirements addressed in this notice are available on the World Wide Web at: *http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html.* Paper copies are available from Ms. Jennifer Hawes, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Appendix F, Material Inspection and Receiving Report; DD Form 250, DD Form 250c, DD form 250–1; OMB Control Number 0704–0248.

Needs and Uses: The collection of this information is necessary to process the shipping and receipt of materials from and payment to contractors under DoD contracts.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Annual Burden Hours: 209,804.

Number of Respondents: 92,500.

Responses per Respondent: Approximately 25.

Annual Responses: 2,352,941.

Average Burden per Response: About 5 minutes.

Frequency: On occasion.

Summary of Information Collection

This information collection includes the requirements of DFARS Appendix F, Material Inspection and Receiving Report; the related clause at DFARS 252.246–7000, Material Inspection and Receiving Report; and, DD Forms 250, 250c, and 250–1. The clause at DFARS 252.246–7000 is used in contracts that require separate and distinct deliverables. The clause requires the contractor to prepare and furnish to the Government a material inspection and receiving report (DD Form 250) in a manner and to the extent required by DFARS Appendix F. The information is required for material inspection and acceptance, shipping, and payment.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

[FR Doc. 2014–16727 Filed 7–15–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2014–0031]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Transportation

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

The Office of Management and Budget (OMB) has approved this information collection requirement under Control Number 0704–0245 for use through October 31, 2014. Also included in this submission is the DFARS part 247-related transportation requirement (DFARS clause 252.247–7028) previously approved under OMB Control Number 0704–0250 that expires on April 30, 2016. (The information collection requirements associated with DFARS part 242, Contract Administration and Audit Services, will remain in OMB Control Number 0704–0250.) DoD proposes that OMB extend its approval for the requirements now included under Control Number 0704–0245 for use for three additional years.

DATES: DoD will consider all comments received by September 15, 2014.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0245, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *osd.dfars@mail.mil.* Include OMB Control Number 0704–0245 in the subject line of the message.
- Fax: 571–372–6094.
- Mail: Defense Acquisition Regulations System, Attn: Ms. Veronica Fallon, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.
- Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Veronica Fallon, 571–372–6098.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 247, Transportation, and related clauses at DFARS 252.247; OMB Control Number 0704–0245.

Needs and Uses: DoD contracting officers use this information to verify that prospective contractors have adequate insurance prior to award of stevedoring contracts; to provide appropriate price adjustments to stevedoring contracts; to assist the Maritime Administration in monitoring

compliance with requirements for use of U.S.-flag vessels in accordance with the Cargo Preference Act of 1904 (10 U.S.C. 2631); and to provide appropriate and timely shipping documentation/instructions to contractors.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 166,420.

Number of Respondents: 250,000.

Responses per Respondent: Approximately 1.67.

Annual Responses: 417,341.

Average Burden per Response: 0.4 hours.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.247–7000, Hardship Conditions, is prescribed at DFARS 247.270–4(a) for use in all solicitations and contracts for the acquisition of stevedoring services. Paragraph (a) of the clause requires the contractor to notify the contracting officer of unusual conditions associated with loading or unloading a particular cargo, for potential adjustment of contract labor rates; and to submit any associated request for price adjustment to the contracting officer within 10 working days of the vessel sailing time.

The clause at DFARS 252.247–7001, Price Adjustment, is prescribed at DFARS 247.270–4(b) for use in solicitations and contracts when using sealed bidding to acquire stevedoring services. Paragraphs (b) and (c) of the clause require the contractor to notify the contracting officer of certain changes in the wage rates or benefits that apply to its direct labor employees. Paragraph (g) of the clause requires the contractor to include with its final invoice a statement that the contractor has experienced no decreases in rates of pay for labor or has notified the contracting officer of all such decreases.

The clause at DFARS 252.247–7002, Revision of Prices, is prescribed at DFARS 247.270–4(c) for use in solicitations and contracts when using negotiation to acquire stevedoring services. Paragraph (c) of the clause provides that, at any time, either the contracting officer or the contractor may deliver to the other a written demand that the parties negotiate to revise the prices under the contract. Paragraph (d) of the clause requires that, if either party makes such a demand, the contractor must submit relevant data upon which to base negotiations.

The clause at DFARS 252.247–7007, Liability and Insurance, is prescribed at DFARS 247.270–4(g) for use in all solicitations and contracts for the acquisition of stevedoring services. Paragraph (f) of the clause requires the contractor to furnish the contracting officer with satisfactory evidence of insurance.

The provision at DFARS 252.247–7022, Representation of Extent of Transportation by Sea, is prescribed at DFARS 247.574(a) for use in all solicitations except those for direct purchase of ocean transportation services or those with an anticipated value at or below the simplified acquisition threshold. Paragraph (b) of the provision requires the offeror to represent whether or not it anticipates that supplies will be transported by sea in the performance of any contract or subcontract resulting from the solicitation.

The clause at DFARS 252.247–7023, Transportation of Supplies by Sea, is prescribed at DFARS 247.574(b) for use in all solicitations and contracts except those for direct purchase of ocean transportation services. Paragraph (d) of the clause requires the contractor to submit any requests for use of other than U.S.-flag vessels in writing to the contracting officer. Paragraph (e) of the clause requires the contractor to submit one copy of the rated on board vessel operating carrier's ocean bill of landing. Paragraph (f) of the clause, if the contract exceeds the simplified acquisition threshold, requires the contractor to represent, with its final invoice, that: (1) No ocean transportation was used in the performance of the contract; (2) only U.S.-flag vessels were used for all ocean shipments under the contract; (3) the contractor had the written consent of the contracting officer for all non-U.S.-flag ocean transportation; or (4) shipments were made on non-U.S.-flag vessels without the written consent of the contracting officer. Contractors must flow down these requirements to noncommercial subcontracts and certain types of commercial subcontracts. Subcontracts at or below the simplified acquisition threshold are excluded from the requirements of paragraph (f) stated above.

The clause at DFARS 252.247–7024, Notification of Transportation of Supplies by Sea, is prescribed at DFARS 247.574(c) for use in all contracts, for which the offeror represented, by completion of the provision at DFARS 252.247–7022, that it did not anticipate transporting any supplies by sea in performance of the contract. Paragraph (a) of the clause requires the contractor to notify the contracting officer if the contractor learns, after award of the contract, that supplies will be transported by sea.

The clause at DFARS 252.247–7026, Evaluation Preference for Use of Domestic Shipyards—Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade, is prescribed at DFARS 247.574(e) in solicitations that require a covered vessel for carriage of cargo for DoD. Paragraph (c) of the clause requires the offeror to provide information with its offer, addressing all covered vessels for which overhaul, repair, and maintenance work has been performed during the period covering the current calendar year, up to the date of proposal submission, and the preceding four calendar years.

The clause at DFARS 252.247.7028, Application for U.S. Government Shipping Documentation/Instructions, is prescribed at DFARS 247.207(2) for inclusion in all solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when shipping under Bills of Lading and Domestic Route Order under FOB origin contract, Export Traffic Release regardless of FOB terms or foreign military sales shipments. Paragraph (a) of the clause requires contractors to complete DD Form 1659 to request shipping documentation/instructions, unless an automated system is available (paragraph (b) of the clause).

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

[FR Doc. 2014–16731 Filed 7–15–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools; Correction

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282M.

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice; correction.

SUMMARY: On June 20, 2014, we published in the **Federal Register** (79 FR 35323) a notice inviting applications for new awards under the CSP's Grants for Replication and Expansion of High-Quality Charter Schools. This correction notice changes the deadline date for intergovernmental review from October 3, 2014, to July 21, 2014.

DATES: Effective July 16, 2014.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 20, 2014 (79 FR 35323), on page 35323, in

the middle column under the heading *Overview Information,* and on page 35327, in the middle of the third column, under 3. *Submission Dates and Times,* we change the deadline date for intergovernmental review from "October 3, 2014," to "July 21, 2014."

Also, on page 35327, in the middle of the third column, under 4. *Intergovernmental Review,* we correct the paragraph to read:

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we have shortened the standard intergovernmental review period in order to make an award by the end of FY 2014.

Program Authority: Consolidated Appropriations Act, 2014, division H, Public Law 113–76; and title V, part B of the Elementary and Secondary Education Act of 1965, as amended.

FOR FURTHER INFORMATION CONTACT: LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–5617 or by email: *lashawndra.thornton@ed.gov.*

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

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

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

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

Dated: July 11, 2014.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2014–16673 Filed 7–15–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Basic Energy Sciences Advisory Committee

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Basic Energy Sciences Advisory Committee (BESAC). The 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: Tuesday, July 29, 2014, Wednesday, July 30, 2014, 8:30 a.m.–5:00 p.m., 9:00 a.m.–12:00 noon.

ADDRESSES: Bethesda North Hotel and Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

FOR FURTHER INFORMATION CONTACT: Katie Perine, Office of Basic Energy Sciences; U.S. Department of Energy; SC–22/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (301) 903–6529

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to provide advice and guidance with respect to the basic energy sciences research program.

Tentative Agenda: Agenda will include discussions of the following:

- News from Office of Science/DOE
- News from the Office of Basic Energy Sciences
- Big Data Center for Applied Mathematics for Energy Research
- Big Ideas Summit and DOE Tech Team Summary
- JCESR Upgrade
- COY Report for the Chemical Sciences, Geosciences and Biosciences Division
- Evolution of the Energy Landscape
- Summary of the Future of Electron Scattering and Diffraction Workshop
- Grand Challenge Update and Initial Discussion of BESAC Charge

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 the items on the agenda, you should contact Katie Perine at (301) 903–6594 (fax) or via email *Katie.perine@science.doe.gov.*

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 this meeting will be available after 45 days by contacting Ms. Katie Perine at the address or email above.

Issued at Washington, DC, on July 10, 2014.

LaTanya R. Butler,

Committee Management Officer.

[FR Doc. 2014–16685 Filed 7–15–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Quadrennial Energy Review: Notice of Public Meeting

AGENCY: Office of Energy Policy and Systems Analysis, Secretariat, Quadrennial Energy Review Task Force, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: At the direction of the President, the U.S. Department of Energy (DOE or Department), as the Secretariat for the Quadrennial Energy Review Task Force (QER Task Force), will convene a public meeting to discuss and receive comments on issues related to the Quadrennial Energy Review.

DATES: A public meeting will be held on August 11, 2014, beginning at 9:00 a.m. Mountain Time in Santa Fe, New Mexico. Written comments are welcome, especially following the public meeting, and should be submitted within 60 days of the meeting.

ADDRESSES: The August 11 meeting will be held at the: New Mexico State Personnel Office Auditorium, 2600 Cerrillos Road, Santa Fe, NM 87505–3258.

You may submit written comments to: *QERComments@hq.doe.gov* or by U.S. mail to the Office of Energy Policy and Systems Analysis, EPSA–60, QER Meeting Comments, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121.

For the Santa Fe public meeting, please title your comment "Quadrennial Energy Review: Comment on the Public Meeting State, Local and Tribal Issues.

FOR FURTHER INFORMATION CONTACT: Ms. Adonica Renee Pickett, EPSA–90, U.S. Department of Energy, Office of Energy

Policy and Systems Analysis, 1000 Independence Avenue SW., Washington, DC 20585–0121. *Telephone:* (202) 586–9168 *Email: Adonica.Pickett@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On January 9, 2014, President Obama issued a *Presidential Memorandum—Establishing a Quadrennial Energy Review.* To accomplish this review, the Presidential Memorandum establishes a Quadrennial Energy Review Task Force to be co-chaired by the Director of the Office of Science and Technology Policy, and the Director of the Domestic Policy Council. Under the Presidential Memorandum, the Secretary of Energy shall provide support to the Task Force, including support for coordination activities related to the preparation of the Quadrennial Energy Review Report, policy analysis and modeling, and stakeholder engagement.

The DOE, as the Secretariat for the Quadrennial Energy Review Task Force, will hold a series of public meetings to discuss and receive comments on issues related to the Quadrennial Energy Review.

The initial focus for the Quadrennial Energy Review will be our Nation's infrastructure for transporting, transmitting, storing and delivering energy. Our current infrastructure is increasingly challenged by transformations in energy supply, markets, and patterns of end use; issues of aging and capacity; impacts of climate change; and cyber and physical threats. Any vulnerability in this infrastructure may be exacerbated by the increasing interdependencies of energy systems with water, telecommunications, transportation, and emergency response systems. The first Quadrennial Energy Review Report will serve as a roadmap to help address these challenges.

The Department of Energy has a broad role in energy policy development and the largest role in implementing the Federal Government's energy research and development portfolio. Many other executive departments and agencies also play key roles in developing and implementing policies governing energy resources and consumption, as well as associated environmental impacts. In addition, non-Federal actors are crucial contributors to energy policies. Because most energy and related infrastructure is owned by private entities, investment by and engagement of the private sector is necessary to develop and implement effective policies. State and local policies; the views of nongovernmental, environmental, faith-based, labor, and other social organizations; and contributions from the academic and non-profit sectors are also critical to the development and implementation of effective energy policies.

An interagency Quadrennial Energy Review Task Force, which includes members from all relevant executive departments and agencies (agencies), will develop an integrated review of energy policy that integrates all of these perspectives. It will build on the foundation provided in the Administration's *Blueprint for a Secure Energy Future* of March 30, 2011, and *Climate Action Plan* released on June 25, 2013. The Task Force will offer recommendations on what additional actions it believes would be appropriate. These may include recommendations on additional executive or legislative actions to address the energy challenges and opportunities facing the Nation.

August 11, 2014 Public Meeting: State, Local, and Tribal Issues

On August 11, 2014, the DOE will hold a public meeting in Santa Fe, New Mexico. The August 11, 2014 public meeting will feature facilitated panel discussions, followed by an open microphone session. Persons desiring to speak during the open microphone session at the public meeting should come prepared to speak for no more than five minutes and will be accommodated on a first-come, first-served basis, according to the order in which they register to speak on a sign-in sheet available at the meeting location, on the morning of the meeting.

In advance of the meeting, DOE anticipates making publicly available a briefing memorandum providing useful background information regarding the topics under discussion at the meeting. DOE will post this memorandum on its Web site: *http://energy.gov.*

Submitting comments via email. Submitting comments by email to the QER email address will require you to provide your name and contact information in the transmittal email. Your contact information will be viewable to DOE staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). Your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to the QER email address (*QERcomments@hq.doe.gov*) information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted to the QER email address cannot be claimed as CBI. Comments received through the email address will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section, below.

If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Confidential Business Information. Pursuant to *10 CFR 1004.11,* any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked "confidential" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Confidential information should be

submitted to the Confidential QER email address: *QERConfidential@hq.doe.gov.*

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest. It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Issued in Washington, DC, on July 10, 2014.

Michele Torrusio,

QER Secretariat, QER Interagency Task Force, U.S. Department of Energy.

[FR Doc. 2014–16707 Filed 7–15–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–111–000.

Applicants: ON Wind Energy LLC.

Description: Application for Authorization for Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act and Request for Expedited Action of ON Wind Energy LLC.

Filed Date: 7/8/14.

Accession Number: 20140708–5112.

Comments Due: 5 p.m. ET 7/29/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–1833–003; ER10–2981–003; ER11–47–003; ER11–41–003; ER13–1896–003; ER12–2343–001; ER11–46–006; ER10–2975–006; ER11–1834–003; ER11–1835–004; ER11–1838–004; ER98–542–029; ER98–542–030; ER98–542–031; ER14–594–003.

Applicants: Indiana Michigan Power Company, AEP Operating Companies, Appalachian Power Company, Kentucky Power Company, Kingsport Power Company, Wheeling Power Company, CSW Operating Companies, AEP Texas Central Company, AEP Texas North Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, Ohio Power Company, AEP Energy Partners, Inc., CSW Energy Services, Inc., CSW Operating Companies, AEP Retail Energy Partners, LLC, AEP Energy Inc., AEP Generation Resources Inc.

Description: Supplement to December 20, 2013 Triennial Market Analysis Update of the AEP MBR affiliates located in PJM balancing area authority.

Filed Date: 7/3/14.

Accession Number: 20140703–5165.

Comments Due: 5 p.m. ET 7/24/14.

Docket Numbers: ER13–1139–006.

Applicants: Imperial Valley Solar 1, LLC.

Description: Notification of Non-Material Change in Status of Imperial Valley Solar 1, LLC.

Filed Date: 7/9/14.

Accession Number: 20140709–5131.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2374–000.

Applicants: Torofino Trading LLC.

Description: Torofino Trading LLC submits notice of cancellation of its market-based tariff.

Filed Date: 7/1/14.

Accession Number: 20140708–0021.

Comments Due: 5 p.m. ET 7/22/14.

Docket Numbers: ER14–2381–000.

Applicants: Southwest Power Pool, Inc.

Description: 2252R2 Cottonwood Wind Project GIA to be effective 6/10/2014.

Filed Date: 7/8/14.

Accession Number: 20140708–5088.

Comments Due: 5 p.m. ET 7/29/14.

Docket Numbers: ER14–2382–000.

Applicants: ON Wind Energy LLC.

Description: Baseline new to be effective 8/12/2014.

Filed Date: 7/8/14.

Accession Number: 20140708–5094.

Comments Due: 5 p.m. ET 7/29/14.

Docket Numbers: ER14–2383–000.

Applicants: Aggressive Energy LLC.

Description: Aggressive Energy LLC to be effective 8/8/2014.

Filed Date: 7/8/14.

Accession Number: 20140708–5100.

Comments Due: 5 p.m. ET 7/29/14.

Docket Numbers: ER14–2384–000.

Applicants: Southwest Power Pool, Inc.

Description: 2220R3 Broken Bow Wind II, LLC GIA to be effective 6/12/2014.

Filed Date: 7/9/14.

Accession Number: 20140709–5014.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2385–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–07–09 SA 2528 BREC KU 2014 IA Cert of Concurrence to be effective 8/20/2014.

Filed Date: 7/9/14.

Accession Number: 20140709–5017.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2386–000.

Applicants: Public Service Company of New Hampshire.

Description: Cancellation of Localized Cost Responsibility Agreement with Town of Wallingford to be effective 9/8/2014.

Filed Date: 7/9/14.

Accession Number: 20140709–5030.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers:ER14–2387–000.

Applicants: Western Massachusetts Electric Company.

Description: Cancellation of Localized Cost Responsibility Agreement with Town of Wallingford to be effective 9/8/2014.

Filed Date: 7/9/14.

Accession Number: 20140709–5048.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2388–000.

Applicants: Liberty Utilities (Granite State Electric) Corp.

Description: Billing Dispute Resolution to be effective 4/11/2014.

Filed Date: 7/9/14.

Accession Number: 20140709–5091.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2389–000.

Applicants: Western Massachusetts Electric Company.

Description: Notice of Cancellation of Equipment Rental Agreement Rate Schedule No. 436 of Western Massachusetts Electric Company.

Filed Date: 7/9/14.

Accession Number: 20140709–5095.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2390–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2014–07–09_SA 1558 Forward Energy-ATC LGIA (G368) to be effective 7/10/2014.

Filed Date: 7/9/14.

Accession Number: 20140709–5107.

Comments Due: 5 p.m. ET 7/30/14.

Docket Numbers: ER14–2391–000.

Applicants: Link Energy Incorporated.

Description: Link Energy Incorporated submits tariff filing per 35.12: Link Energy Incorporated Market Based Rate Tariff to be effective 9/8/2014.

Filed Date: 7/9/14.
Accession Number: 20140709–5124.
Comments Due: 5 p.m. ET 7/30/14.
Docket Numbers: ER14–2392–000.
Applicants: New York State Electric & Gas Corporation.
Description: New York State Electric & Gas Corporation submits tariff filing per 35.15: Notice of Cancellation to be effective 6/6/2014.
Filed Date: 7/9/14.
Accession Number: 20140709–5152.
Comments Due: 5 p.m. ET 7/30/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 9, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–16686 Filed 7–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–21–000]

Florida Gas Transmission Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Pompano Compressor Station 21.5 Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this environmental assessment (EA) for the Pompano Compressor Station 21.5 Project proposed by Florida Gas Transmission Company, LLC (FGT) in the above-referenced docket. FGT requests authorization to construct, own, and operate new natural gas facilities in Broward County, Florida to provide additional delivery quantities to Florida Power & Light Company's Port Everglades Next Generation Clean Energy Center.

The EA assesses the potential environmental effects of the construction and operation of the Pompano Compressor Station 21.5 Project in accordance with the requirements of the National Environmental Policy Act. FGT's proposed project would include a new 22,000 horsepower electric driven compressor station; 3,100 feet of 18- and 24-inch-diameter mainline pipeline; and appurtenant facilities in Broward County, Florida. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The EA has been placed in the public files of the FERC and is available for viewing on the FERC's Web site at *www.ferc.gov* using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Copies of the EA were mailed to federal, state, and local government representatives and agencies; elected officials; public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to lessen or avoid environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are properly recorded and considered prior to a Commission decision on the proposal, it is important that we receive your comments in Washington, DC on or before August 8, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (CP14–21–000) with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's Internet Web site at *www.ferc.gov* under the link to Documents and Filings. An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located at *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 will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing;" or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Although your comments will be considered by the Commission, simply filing comments will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP14–21). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission 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

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion of filing comments electronically.

time you spend researching proceedings by automatically providing you with notifications of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/docs-filing/esubscription.asp*)

Dated: July 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–16655 Filed 7–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. Er14–2391–000]

Link Energy Incorporated; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Link Energy Incorporated's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 30, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–16687 Filed 7–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD14–14–000]

Price Formation in Energy and Ancillary Services Markets Operated by Regional Transmission Organizations and Independent System Operators; Notice of Workshop

As announced in the Notice issued on June 19, 2014, the Federal Energy Regulatory Commission (Commission) directed its staff to convene workshops as necessary to commence a discussion with industry on existing market rules and operational practices affecting price formation issues in energy and ancillary services markets operated by Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs). The June 19 Notice listed four areas of interest: Uplift payments, offer price mitigation and price caps, scarcity and shortage pricing, and operator actions that affect prices. The first workshop will focus on uplift payments in energy and ancillary services markets operated by RTOs and ISOs and will be held on Monday, September 8, 2014 from 8:45 a.m. to 5:00 p.m. in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commission members may participate in the workshop.

The September 8 workshop will focus on the technical, operational and market issues that give rise to uplift payments and the levels of transparency. The workshop will also preview the scope of the remaining price formation topics of offer price mitigation and price caps, scarcity and shortage pricing, and operator actions that affect prices. As noted in the June 19 Notice, additional workshops will be announced on these topics in the coming months.

The workshop will be open for the public to attend. Advance registration is not required, but is encouraged. Attendees may register at the following Web page: *https://www.ferc.gov/whats-new/registration/09-08-14-form.asp.*

Those wishing to participate in the program for this event should nominate themselves through the on-line registration form no later than July 30, 2014 at the following Web page: *https://www.ferc.gov/whats-new/registration/09-08-14-speaker-form.asp.* At this Web page, please provide an abstract (1,500 character limit) of the issue(s) you propose to address. Due to time constraints, we expect to not be able to accommodate all those interested in speaking.

Further details and a formal agenda will be issued prior to the workshop.

Information on this event will be posted on the Calendar of Events on the Commission's Web site, *www.ferc.gov,* prior to the event. The workshop will also be Webcast and transcribed. Anyone with Internet access who desires to listen to this event can do so by navigating to the Calendar of Events at *www.ferc.gov* and locating this event in the Calendar. The event will contain a link to the webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100.

Commission workshops are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For further information on this workshop, please contact:

Sarah McKinley (Logistical Information), Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

William Sauer (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6639. *william.sauer@ferc.gov.*

Dated: July 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–16656 Filed 7–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–81–000]

Golden Spread Electric Cooperative, Inc.; Sharyland Utilities, L.P.; Notice of Petition for Declaratory Order

Take notice that on July 3, 2014, pursuant to Rule 207(a) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2), Golden Spread Electric Cooperative, Inc. and Sharyland Utilities, L.P. (collectively, the Petitioners) filed a petition for declaratory order requesting that the Commission disclaim jurisdiction over: (1) Transmission interconnection facilities delivering power from the Antelope Elk Energy Center located in the State of Texas to the Electric Reliability Council of Texas (ERCOT) electric grid (Transmission Interconnection Facilities), and (2) transmission and sales of energy over the Transmission Interconnection Facilities. In addition, the Petitioners request that the Commission declare that utilities in ERCOT and the Market Participants that are not currently public utilities under the Federal Power Act, will not become public utilities as a result of the interconnection of the Antelope Elk Energy Center, as more fully explained in the petition.

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. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 4, 2014.

Dated: July 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–16657 Filed 7–15–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2003–0013, FRL–9913–95–OW]

Proposed Information Collection Request; Comment Request: Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002: Drinking Water Security and Safety (Act)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), "Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002: Drinking Water Security and Safety (Act) Renewal" (EPA ICR No. 2103.05, OMB Control No. 2040–0253) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through November 30, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before September 15, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2003–0013, online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Karen Edwards, Water Security Division, Office of Ground Water and Drinking Water, Mailcode: 4608T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–3797; fax number: 202–566–0055; email address: *Edwards.Karen@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR.

How can I access the docket and/or submit comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2003–0013, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone for the Water Docket is 202–566–2426. Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What information is EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the Agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under the **DATES** section.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What information collection activity or ICR does this apply to?

Affected entities: Entities potentially affected by this action are community water systems serving more than 3,300 persons.

Title: Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002: Drinking Water Security and Safety (Act).

ICR numbers: EPA ICR No. 2103.05; OMB Control No. 2040–0253.

ICR status: This ICR is currently scheduled to expire on November 30, 2014. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 1433 of the Safe Drinking Water Act, as amended by the Bioterrorism Act requires each community water system serving a population of more than 3,300 people to conduct a vulnerability assessment of its water system and to prepare or revise an emergency response plan that incorporates the results of the vulnerability assessment. These requirements are mandatory under the statute. EPA will continue to use the information collected under this ICR to determine whether community water systems have conducted vulnerability assessments and prepared or revised emergency response plans in compliance with Section 1433. EPA is required to protect all vulnerability assessments and all information derived from them from disclosure to unauthorized parties and has established an Information Protection Protocol describing how that will be accomplished.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 117.9 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 80.

Frequency of response: Once.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 8,994.

Estimated total annual costs: $77,252. This includes an estimated burden cost of $1,035/respondent and an estimated cost of $16,849 for capital and maintenance/operational costs.

Are there changes in the estimates from the last approval?

There is no decrease in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This reflects EPA's continued need to collect documents that were included in the original estimate, but still have not been submitted to the Agency.

What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT** section.

Dated: July 7, 2014.

Peter C. Gravatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2014–16738 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2008–0719; FRL—9913–90–OW]

Agency Information Collection Activities; Proposed Collection; Comment Request; National Pollutant Discharge Elimination System (NPDES) Permits for Point Source Discharges From the Application of Pesticides to Waters of the United States; EPA ICR No. 2397.02, OMB Control No. 2040–0284

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of

Management and Budget (OMB). This ICR is scheduled to expire on 11/30/2014. Before submitting the draft ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Additional comments may be submitted on or before September 15, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2008–0719, by one of the following methods:

- *http://www.regulations.gov:* Follow the online instructions for submitting comments.
- *Email: ow-docket@epa.gov.* (Identify Docket ID No. EPA–HQ–OW–2008–0719 in the subject line).
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 28221T, ATTN: Docket ID #EPA–HQ–OW–2008–0719, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of three copies.
- *Hand Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. ATTN: Docket ID #EPA–HQ–OW–2008–0719. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments identified by the Docket ID No. EPA–HQ–OW–2008–0719. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://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 *http://www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Amelia Letnes, State and Regional Branch, Water Permits Division, OWM Mail Code: 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–5627; email address: *letnes.amelia@epa.gov.*

SUPPLEMENTARY INFORMATION:

How can I access the docket and/or submit comments?

EPA has established a public docket for this draft ICR under Docket ID No. EPA–HQ–OW–2008–0719, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Water Docket is 202–566–2426.

Use *www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are aviilable electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What information is EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under DATES.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What information collection activity or ICR does this apply to?

Respondents/Affected Entities: Entities potentially covered by the general permits include but are not limited to the following NAICS (North American Industry Classification System) codes: 111 Crop Production; 113110 Timber Tract Operations; 113210 Forest Nurseries Gathering of Forest Products; 221310 Water Supply for Irrigation; 923120 Administration of Public Health Programs; 924110 Administration of Air and Water Resource and Solid Waste Management Programs; 924120 Administration of Conservation Programs; and 221 Utilities.

Title: National Pollutant Discharge Elimination System (NPDES) Permits for Point Source Discharges from the Application of Pesticides to Waters of the United States.

ICR numbers: EPA ICR No. 2397.02, OMB Control No. 2040–0284.

ICR Status: This ICR is currently scheduled to expire on 11/30/2014. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This draft ICR calculates the burden and costs associated with information collection and reporting activities from EPA and state NPDES general permits for point source discharges from the application of pesticides to waters of the United States. On November 27, 2006, EPA issued a final rule (hereinafter called the "2006 NPDES Pesticides Rule") clarifying circumstances in which an NPDES permit was not required to apply pesticide to, or over, including near, waters of the U.S. On January 9, 2009, the Sixth Circuit Court vacated EPA's 2006 NPDES Pesticides Rule.

As a result of the Court's decision, beginning October 31, 2011 NPDES permits were required for discharges to waters of the U.S. from the application of biological pesticides and chemical pesticides that leave a residue. Regulations governing permit requirements for NPDES discharges are codified at 40 CFR parts 122. This draft ICR includes information submitted or recorded by permittees as well as information used primarily by permitting authorities. The permitting authority will use the information to assess permittee compliance and modify/add new permit requirements as appropriate. The estimated burden in this draft ICR is based on EPA's NPDES Pesticide General Permit (PGP).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.7 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The draft ICR provides a detailed explanation of the agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 365,047 (365,000 permittees, 47 permitting authorities [46 states and Virgin Islands]).

Frequency of response: varies from once, every 5 years, to occasionally as needed.

Estimated total number of responses: 1,283,531 (1,276,395 by permittees, 7,136 by permitting authorities [i.e., states, tribes, and territories]).

Estimated total average number of responses for each respondent: 3.5 (1,283,531 responses divided by 365,047 respondents).

Estimated total annual burden hours: 834,756 hours (828,141 hours for permittees and 6,615 hours for permitting authorities [i.e., states, tribes, and territories]).

Estimated total annual cost: $38,662,462 ($38,462,682 for permittees and $199,780 for permitting authorities), includes $0 annualized capital or O&M costs.

Are there changes in the estimates from the last approval?

There is a decrease of 12,896 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. EPA expects that the 2016 PGP will be similar to the 2011 PGP. All of the decrease in burden is attributable to the shift from the 2011 PGP to the 2016 PGP in year 3 of this draft ICR when permittees renewing their coverage would not need to develop a new Pesticide Discharge Management Plan.

What is the next step in the process for this ICR?

EPA will consider the comments received on this notice and amend the draft ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this draft ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: July 8, 2014.

Andrew D. Sawyers,

Director, Office of Wastewater Management.

[FR Doc. 2014–16737 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0426; FRL–9907–87]

EPA's Design for the Environment Program Logo Redesign; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is interested in soliciting input regarding the Agency's Design for the Environment (DfE) Program's logo redesign. The Agency will consider the information gathered from this notice and other sources as it selects a logo for the DfE Program that accurately communicates the program's efforts to advance human and environmental health protection through safer products. The Agency will hold two listening sessions via webinars on this topic to give the public the opportunity to provide feedback on draft logo designs.

DATES: The webinars will be held on Monday, August 4, 2014, from 1:00 p.m. to 2:00 p.m., EDT; and Tuesday, August 5, 2014, from 1:00 p.m. to 2:00 p.m., EDT.

To participate in any of the webinars, you must register no later than 11:59 p.m., EDT, on Friday, August 1, 2014.

To request accommodation of a disability, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the webinar, to give EPA as much time as possible to process your request.

ADDRESSES: The meetings/listening sessions will be held via webinars. See Unit III. How can I participate in this meeting? in **SUPPLEMENTARY INFORMATION**. Further information about the webinars can be found on the DfE Web site at *http://www.epa.gov/dfe/label.*

Registration: To register, please visit *http://www.epa.gov/dfe/label.* You may also register to participate in a webinar by contacting the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Bridget Williams, Economics, Exposure and Technology Division (7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8558; email address: *williams.bridget@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, distribute, label, certify, verify, and purchase or use consumer, commercial, or industrial products that may be considered as "green," "sustainable," or "environmentally preferable." Participation in this activity is voluntary. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include but are limited to:

- Manufacturing (NAICS codes 31–33).
- Construction (NAICS code 23).
- Wholesale trade (NAICS code 42).
- Retail trade (NAICS codes 44–45).
- Professional, scientific and technical services (NAICS code 54).
- Accommodations and food Services (NAICS code 72).
- Other services, except public administration (NAICS code 81).
- Public administration (NAICS code 92).

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2013–0426, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

Comments: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2013–0426, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

Hand Delivery: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave. NW., Washington, DC. ATTN: Docket ID Number EPA–HQ–OPPT–2013–0426. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

EPA is interested in soliciting input regarding the Agency's redesign of the logo that represents the Design for the Environment Program. While EPA does not intend to formally respond to all comments that are submitted, EPA will consider the information gathered from this notice and other sources as it selects a new DfE logo that accurately reflects the program's efforts to advance human and environmental health protection through the labeling of safer products.

The EPA would like the DfE logo redesign to achieve the following:

- Better convey the scientific rigor and benefits of the program (e.g., safer for human health) with a logo that is easier to display on products, materials, and in digital media,
- Increase consumer and I/I purchaser recognition of products bearing EPA's Safer Product Label, and
- Encourage innovation and development of safer chemicals and chemical-based products.

III. How can I participate in this meeting?

To participate in any of the webinars, identified by docket ID number EPA–HQ–OPPT–2013–0426, you must register no later than 11:59 p.m., EDT, on Friday, August 1, 2014. To register, please visit the DfE Web site at *http://www.epa.gov/dfe/label.* You may also register to participate in a webinar by contacting the technical person listed under **FOR FURTHER INFORMATION CONTACT.** Do not submit any information in your request that is considered confidential business information (CBI). Upon registration for a webinar, all registered participants will receive information on how to participate in the webinar. For any questions on webinar logistics or registration, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects

Environmental protection, environmentally preferable products, green products, procurement, safer products, safer chemicals.

Dated: July 7, 2014.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–16567 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0014; FRL–9913–20]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of June 11, 2014, concerning receipt of requests to voluntarily cancel certain pesticide registrations. In this notice, EPA inadvertently listed the pesticide products AC 801, 757 Miticide-Insecticide (EPA Reg. No. 071711–00022) and AC 801, 757 3EC Miticide-Insecticide (EPA Reg. No. 071711–00023). The registrant did not request a

180-day comment period. The registrant had requested the Agency to waive the 180-day comment period for a 30-day comment period, instead. Therefore, EPA is removing EPA Reg. Nos. 071711–00022 and 071711–00023. This document removes EPA Reg. Nos. 071711–00022 and 071711–00023 from the June 11, 2014, **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: John W. Pates, Jr., Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8195; email address: *pates.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the **Federal Register** notice of June 11, 2014 (79 FR 33550) (FRL 9911–36) a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2010–0014, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What does this correction do?

EPA issued a notice in the **Federal Register** of June 11, 2014, concerning receipt of requests to voluntarily cancel certain pesticide registrations. In this notice, EPA inadvertently listed the pesticide products AC 801, 757 Miticide-Insecticide (EPA Reg. No. 071711–00022) and AC 801, 757 3EC Miticide-Insecticide (EPA Reg. No. 071711–00023). The registrant did not request a 180-day comment period. The registrant had requested the Agency to waive the 180-day comment period for a 30-day comment period, instead. Therefore, EPA is removing the pesticide products AC 801, 757 Miticide-Insecticide (EPA Reg. No. 071711–00022) and AC 801, 757 3EC Miticide-Insecticide (EPA Reg. No. 071711–00023). This document removes EPA Reg. Nos. 071711–00022 and 071711–00023 listed in the June 11, 2014, **Federal Register** notice.

List of Subjects

Environmental protection, pesticides and pests.

Dated: June 26, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–16457 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0396; FRL–9913–34]

Registration Review; Pesticide Dockets Opened for Review and Comment; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of June 25, 2014, concerning the opening for public comment period for several registration reviews. This document corrects the docket identification (ID) number for imazamethabenz to be EPA–HQ–OPP–2014–0394, the docket ID number for propargite to be EPA–HQ–OPP–2014–0131, and an email address error listed in the table of the document. It also corrects the docket ID number for cresol to be EPA–HQ–OPP–2010–0244 in a subsequent paragraph.

FOR FURTHER INFORMATION CONTACT: LaTanya Moody, Pesticide re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8022; email address: *moody.latanya@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the June 25, 2014 notice a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0396, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What does this correction do?

FR Doc. 2014–14685 published in the **Federal Register** of June 25, 2014 (79 FR 36056) (FRL–9911–53) is corrected as follows:

1. On page 36057, in Table 1, under the heading III. Registration Reviews; A. What action is the Agency taking?, Table 1—Registration Review Dockets Opening, column named "Docket ID No.", line 3, Imazamethabenz (Case 7207), correct EPA–HQ–OPP–2014–0395 to read EPA–HQ–OPP–2014–0394.

2. On page 36057, in Table 1, under the heading III. Registration Reviews; A. What action is the Agency taking?, Table 1—Registration Review Dockets Opening, column named "Chemical review manager or regulatory action leader, telephone no., email address", line 3, Imazamethabenz (Case 7207), correct *brittion.cathryn@epa.gov* to read *britton.cathryn@epa.gov.*

3. On page 36058, in the second column of Table 1, under the heading III. Registration Reviews; A. What action is the Agency taking?, Table 1—Registration Review Dockets Opening, column named "Docket ID No.", line 7, Propargite (Case 243), correct EPA–HQ–OPP–2014–0051 to read EPA–HQ–OPP–2014–0131.

4. On page 36058, in the first column, paragraph 1, line 16, correct EPA–HQ–OPP–2010–0211 to read EPA–HQ–OPP–2010–0244.

List of Subjects

Environmental protection, Pesticides and pests, Benzisothiazolin-3-one, Bispyribac-sodium, Etridiazole, Imazamethabenz, Imazamox, Imazapyr, IR3535, Mecoprop, Mesotrione, Methylisothiazolinone, Octhilinone, Propargite, Pyraclostrobin, Pyraflufen-ethyl, Zinc pyrithione (formerly omadine salts), and Zoxamide.

Dated: July 2, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–16570 Filed 7–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0014; FRL–9912–89]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II., pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a December 4, 2013 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II. to voluntarily cancel these product registrations. In the December 4, 2013 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency received comments on the notice but none merited its further review of the requests. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions. In addition, for pertinent information relating to EPA Reg. No. 000241–00379 as published in the December 4, 2014 notice, see Unit II. of this notice.

DATES: The cancellations are effective July 16, 2014.

FOR FURTHER INFORMATION CONTACT: John W. Pates, Jr., Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8195; email address: *pates.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2010–0014, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the agency taking?

This notice announces the cancellation, as requested by registrants, of products registered under FIFRA section 3. These registrations are listed in sequence by registration number in Table 1 of this unit.

Pesticide registration number 000241–00379 and its content has been removed from the listing in Table 1. EPA inadvertently listed the pesticide registration number 000241–00379, in the **Federal Register** of December 4, 2013 (78 FR 72881) (FRL 9902–41). Therefore, this action excludes pesticide registration number 000241–00379 from cancellation.

TABLE 1—PRODUCT CANCELLATIONS

EPA Registration No.	Product name	Chemical name
000004–00406	Eight Insect Control Garden & Home Insect Control Ready-to-Use.	Permethrin.
000264–00940	Gustafson Vitavax-PCNB Flowable Fungicide	Pentachloronitrobenzene & Carboxin.
000264–00943	RTU-Vitavax-Thiram Seed Protectant Fungicide	Thiram & Carboxin.
000264–00948	Gustafson LSP Flowable Fungicide	Thiabendazole.
000264–00952	Kodiak HB Biological Fungicide	Bacillus subtilis GB03.
000264–00953	Kodiak A–T Fungicide	Pentachloronitrobenzene, Bacillus subtilis GB03, & Metalaxyl.
000264–00958	Tops MZ Potato Seed-Piece Treatment Fungicide	Mancozeb & Thiophanate-methyl.
000264–00974	Gustafson AG-Streptomycin	Streptomycin sulfate.
000264–00984	Titan FL	Clothianidin, Thiram, Metalaxyl & Carboxin.
000264–01013	Ipconazole Metalaxyl MD (S)	Metalaxyl, & Ipconazole.
000264–01014	Gustafson Allegiance Dry Seed Protectant Fungicide	Metalaxyl.
000264–01015	Prevail Allegiance Terraclor Vitavax Fungicide	Pentachloronitrobenzene, Carboxin & Metalaxyl.
000264–01016	Stiletto Pak	Thiram, Carboxin, & Metalaxyl.
000264–01017	Imidacloprid Vitavax Metalaxyl Seed Treatment	Carboxin, Imidacloprid, & Metalaxyl.
000264–01018	Protector-L-Allegiance	Thiram & Metalaxyl.
000264–01019	Stiletto	Thiram, Carboxin, & Metalaxyl.
000264–01035	Prosper T200 Insecticide and Fungicide Seed Treatment	Metalaxyl, Carboxin, Trifloxystrobin, & Clothianidin.
000264–01079	Three-Way VAP	Clothianidin, Ipconazole, & Metalaxyl.
000264–01082	Proceed Plus	Metalaxyl, Tebuconazole, Prothioconazole, & Clothianidin.
000464–00667	Bioban CS–1246	Oxazolidine-E.
035935–00076	Prodiamine Technical	Prodiamine.
053883–00029	Viper WP	Cypermethrin.

TABLE 1—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product name	Chemical name
062719–00505	GF–120 NF Naturalyte Fruit Fly Bait	Spinosad.
067517–00047	Hard Hitter Wettable Powder	Permethrin.
069361–00033	Propicon 3.6 EC Fungicide	Propiconazole.
AZ–080015	Proclipse 65 WDG	Prodiamine.
CA–080022	Proclipse 65 WDG	Prodiamine.
CO–940006	Comite II	Propargite.
MA–050002	Abound Flowable Fungicide	Azoxystrobin.
OR–090001	Sluggo Slug and Snail Bait	Phosphoric acid, iron(3+) salt (1:1).

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS

EPA Company No.	Company name and address
4	Bonide Products, Inc. Agent: Registrations By Design, Inc. P.O. Box 1019, Salem, VA 24153–1019.
264	Bayer CropScience LP 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
464	The Dow Chemical Company 1500 East Lake Cook Road, Buffalo Grove, IL 60089.
35935	Nufarm Limited Agent: Nufarm Limited, 4020 Aerial Center Pkwy, Suite 103, Morrisville, NC 27560.
53883	Controls Solutions, Inc. 5903 Genoa-Red Bluff Road, Pasadena, TX 77507–1041.
62719	Dow AgroSciences 9330 Zionsville Road, Indianapolis, IN 46268.
67517	Virbac Animal Health 3200 Meacham Boulevard, Fort Worth, TX 76137.
69361	Repar Corp Agent: Madava Associates, LLC, 1050 Conn. Ave. NW., Suite 1000, Washington, DC 20036.
AZ–080015, CA–080022.	Nufarm Americas, Inc. Agent: Nufarm Americas, Inc., 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
CO–940006	Chemtura Corporation 199 Benson Road, Middlebury, CT 06749.
MA–050002	Syngenta Crop Protection, LLC 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS—Continued

EPA Company No.	Company name and address
OR–090001	W. Neudorff GMBH KG 1008 Riva Ridge Drive, Great Falls, VA 22066.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period, EPA received four comments regarding pesticide concerns in general. These four comments did not contain information about any specific product cancellation request. For these reasons, the Agency does not believe that the comments submitted during the comment period merit further review or a denial of the requests for voluntary cancellation.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II. are cancelled. The effective date of the cancellations that are the subject of this notice is July 16, 2014. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI. will be a violation of FIFRA.

V. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of December 4, 2013 (78 FR 72881) (FRL–9902–41). The comment period closed on June 2, 2014.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II. until July 16, 2015, which is 1 year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17, or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II. until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 30, 2014.

Richard P. Keigwin, Jr.

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–16458 Filed 7–11–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Requirements Being Submitted to the Office of Management and Budget for Emergency Review and Approval

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 Communication 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 comments should be submitted on or before July 31, 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 contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The Commission is requesting emergency OMB processing of the information collection requirements contained in this notice and has requested OMB approval by 20 days after the collection is received at OMB.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

OMB Control Number: 3060–1053.

Title: Two-Line Captioned Telephone Order, IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13–24 and 03–123.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 186,005 respondents; 745,280 responses.

Estimated Time per Response: .25 hours (15 minutes) to 20 hours.

Frequency of Response: Annual, every five years, on-going, and one-time reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found at Sec. 225 [47 U.S.C. 225] Telecommunications Services for Hearing-Impaired Individuals; The Americans with Disabilities Act of 1990, (ADA), Pub. L. 101–336, 104 Stat. 327, 366–69, was enacted on July 26, 1990.

Total Annual Burden: 542,252 hours.

Total Annual Cost: $1,008,000.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information by the FCC from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On August 1, 2003, the Commission released the Declaratory Ruling, In the Matter of Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98–67, published at 68 FR 55898, September 28, 2003. In the Declaratory Ruling, the Commission clarified that one-line captioned telephone voice carry over (VCO) service is a type of telecommunications relay service (TRS) and that eligible providers of such services are eligible to recover their costs in accordance with section 225 of the Communications Act. The Commission also clarified that certain TRS mandatory minimum standards do not apply to one-line captioned telephone VCO service and waived 47 CFR 64.604(a)(1) and (a)(3) for all current and future captioned telephone VCO service providers, for the same period of time beginning August 1, 2003. The waivers were contingent on the filing of annual reports, for a period of three years, with the Commission. Sections 64.604 (a)(1) and (a)(3) of the Commission's rules, which contained information collection requirements under the PRA, became effective on March 26, 2004.

On July 19, 2005, the Commission released an Order, In the Matter of Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98–67 and CG Docket No. 03–123, published at 70 FR 54294, September 14, 2005, clarifying that two-line captioned telephone VCO service, like one-line captioned telephone VCO service, is a type of TRS eligible for compensation from the Interstate TRS Fund. Also, the Commission clarified that certain TRS mandatory minimum standards do not apply to two-line captioned VCO service and waived 47 CFR 64.604(a)(1) and (a)(3) for providers who offer two-line captioned VCO service.

On January 11, 2007, the Commission released a Declaratory Ruling, In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03–123, published at 72 FR 6960, February 14, 2007, granting a request for clarification that Internet Protocol (IP) captioned telephone relay service (IP CTS) is a type of TRS eligible for compensation from the Interstate TRS Fund (Fund) when offered in

compliance with the applicable TRS mandatory minimum standards.

On August 26, 2013, the Commission issued a Report and Order, In the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13–24 and 03–123, published at 78 FR 53684, August 30, 2013, to regulate practices relating to the marketing of IP CTS, impose certain requirements for the provision of this service, and mandate registration and certification of IP CTS users. The Commission published a notice in the **Federal Register** pursuant to 5 CFR 1320.8(d) on September 25, 2013 (78 FR 59025), seeking comments from the public on the information collection requirements contained in the initial supporting statement. Sorenson Communications, Inc., and its subsidiary CaptionCall, LLC (together, CaptionCall), filed comments on November 25, 2013, regarding the user registration and certification requirements adopted in the Report and Order as well as the certification, recordkeeping, and reporting requirements for hardship exemptions to the captions-off default setting requirement, also adopted in the Report and Order. CaptionCall did not comment on the other collections adopted in the Report and Order.

Subsequently, on December 6, 2013, the United States Court of Appeals for the District of Columbia Circuit stayed "the rule adopted by the Commission [in the Report and Order] prohibiting compensation to providers for minutes of use generated by equipment consumers received from providers for free or for less than $75." Sorenson Communications, Inc. and CaptionCall, LLC v. FCC, Order, D.C. Cir., No. 13–1246, December 6, 2013, at 1–2. (For convenience, this notice refers to the requirement subject to the stay as "the $75 equipment charge rule.") In the revised supporting statement, the Commission sought OMB approval of the following requirements adopted in the Report and Order: (1) The requirements regarding the labeling of equipment, software and mobile applications; (2) the certification, recordkeeping, and reporting requirements for the hardship exemption to the captions default-off requirement; and (3) an additional information reporting requirement for IP CTS applicants that seek Commission certification to provide IP CTS and for IP CTS providers, requiring applicants to provide assurance that they will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the Commission's IP CTS registration and certification requirements. Because the registration and certification requirements adopted in the Report and Order are related to the $75 equipment charge rule that was stayed by the court of appeals, the Commission did not seek OMB approval of those requirements at that time. See 79 FR 23354, April 28, 2014.

On June 18, 2014, OMB approved, for a period of three years, the information collection requirements specified above that are contained in the Commission's Report and Order, FCC 11–118, published at 78 FR 53684, August 30, 2013. The OMB Control Number is 3060–1053.

On June 20, 2014, the D.C. Circuit vacated the $75 equipment charge rule and the rule requiring providers to maintain captions-off as the default setting for IP CTS equipment. Sorenson Communications, Inc. and CaptionCall, LLC v. FCC (D.C. Cir., Nos. 13–1122 and 13–1246, June 20, 2014).

On July 11, 2014, the Commission published a notice in the **Federal Register** a notification that information collection requirements (1) regarding the labeling of equipment, software and mobile applications; (2) the certification, recordkeeping, and reporting for the hardship exemption to the captions default-off requirement; and (3) for IP CTS applicants that seek Commission certification to provide IP CTS and for IP CTS providers to provide assurance that they will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the Commission's IP CTS registration and certification requirements would become effective immediately. Because the court had not yet issued its mandate, the captions-off default requirement, 47 CFR 64.604(c)(10)(i), (ii), (iii), and (v), remained in effect, and the certification, recordkeeping, and reporting requirements for the hardship exemption to the captions default-off requirement, 47 CFR 64.604(c)(10)(iv), became effective at that time.

This notice and request for comments pertains to the user registration and certification requirements adopted in the IP CTS Reform Order. Specifically, IP CTS providers are required to obtain from new and existing IP CTS consumers self-certification of hearing loss necessitating the use of IP CTS and their understanding of the IP CTS program. In addition, existing IP CTS consumers with free or de minimis cost equipment must further submit professional certification. 47 CFR 64.604(c)(9).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–16621 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). 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 burden for 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 Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before September 15, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Benish Shah, Federal Communications Commission, via the

Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0204.

Title: Special Eligibility Showings for Authorizations in the Public Safety Pool (47 CFR 90.20(a)(2)(v) and 90.20(a)(2)(xi)).

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or household and business and other or-profit.

Number of Respondents and Responses: 220 respondents; 220 responses.

Estimated Time per Response: 0.704 hour (range of 15 minutes to 45 minutes).

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 155 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: The information collection in 47 CFR 90.20(a)(2)(v) affects individuals, and there is a system of records that covers it (FCC/WTB–1, Wireless Services Licensing Records).

Nature and Extent of Confidentiality: Requests to withhold information submitted to the Commission from public inspection will be treated in accordance with section 0.459 of the Commission's rules.

Needs and Uses: The Commission collects this information to ensure that certain non-governmental applicants applying for the use of frequencies in the Public Safety Pool meet the eligibility criteria set forth in the Commission's rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–16617 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). 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 further ways to reduce the information burden for 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 Paperwork Reduction Act (PRA) that does not display a valid Control Number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before September 15, 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 FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov.* To submit your PRA comments by email, send them to *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Leslie F. Smith at (202) 418–0217, or via the Internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0770.

Title: Sections 61.49 and 69.4, Price Cap Performance Review for Local Exchange Carriers, CC Docket Nos. 94–1 *et al.; Fifth Report and Order,* FCC 99–206 (New Services).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 13 respondents; 13 responses.

Estimated Time per Response: 10 hours.

Frequency of Response: On occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. sections 151, 154(i), 154(j), 201–205, 303(r), and 403.

Total Annual Burden: 130 hours.

Annual Cost Burden: $10,985.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No information of a confidential nature is requested. However, respondents may request materials or information submitted to the Commission to be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: In the August 1999 *Fifth Report and Order and Further Notice of Proposed Rulemaking* (*Pricing Flexibility Order*), FCC–206, CC Docket Nos. 94–1 *et al.,* 64 FR 51280 (Sept. 22, 1999), the Commission permitted price cap local exchange carriers (LECs) to introduce new services on a streamlined basis, without prior approval or cost support requirements. The Commission eliminated the public interest showing required by section 69.4(g) and the new services test required by sections 61.49 (f) and (g), except in the case of new loop-based switched access services. The information submitted by price cap LECs will be used to determine whether their proposed rates for new loop-based switched access services are in the public interest and whether they meet the new services test.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–16618 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

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 Communication

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 comments should be submitted on or before August 15, 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 contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1145.

Title: Structure and Practices of the Video Relay Service Program, CG Docket No. 10–51.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 13 respondents; 982 responses.

Estimated Time per Response: 1 minute (.017 hours) to 25 hours.

Frequency of Response: Annual, monthly, on occasion, one-time, and semi-annually reporting requirements; recordkeeping and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefit. The statutory authority for the information collection requirements is found at section 225 of the Communications Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the ADA, Public Law 101–336, 104 Stat. 327, 366–69.

Total Annual Burden: 2,723 hours.

Total Annual Cost: $9,300.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information (PII) from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On April 6, 2011, in document FCC 11–54, the Commission released a Report and Order adopting final rules designed to eliminate the waste, fraud and abuse that has plagued the VRS program and had threatened its ability to continue serving Americans who use it and its long-term viability. The Report and Order contains potential information collection requirements with respect to the following seven requirements, all of which aims to ensure the sustainability and integrity of the TRS program and the TRS Fund. Though the Report and Order emphasizes VRS, many of the requirements also apply to other or all forms of TRS—which includes the adoption of the interim rule, several new information collection requirements.

(1) Provider Certification Under Penalty of Perjury. The Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of a TRS provider shall certify, under penalty of perjury, that: (1) Minutes submitted to the Interstate TRS Fund (Fund) administrator for compensation were handled in compliance with section 225 of the Act and the Commission's rules and orders, and are not the result of impermissible financial incentives, or payments or kickbacks, to generate calls, and (2) cost and demand data submitted to the Fund administrator related to the determination of compensation rates or methodologies are true and correct.

(2) Requiring Providers to Submit Information about New and Existing Call Centers. (a) VRS providers shall submit a written statement to the Commission and the TRS Fund administrator containing the locations of all of their call centers that handle VRS calls, including call centers located outside the United States, twice a year, on April 1st and October 1st. In addition to the street address of each call center, the rules require that these statements contain (1) the number of individual CAs and CA managers employed at each call center; and (2) the name and contact information (phone number and email address) for the managers at each call center. (b) VRS providers shall notify the Commission and the TRS Fund administrator in writing at least 30 days prior to any change to their call centers' locations, including the opening, closing, or relocation of any center.

(3) Data Filed with the Fund Administrator to Support Payment Claims. (a) VRS providers shall provide the following data associated with each VRS call for which a VRS provider seeks compensation in its filing with the Fund Administrator: (1) The call record ID sequence; (2) CA ID number; (3) session start and end times; (4) conversation start and end times; (5) incoming telephone number and IP address (if call originates with an IP-based device) at the time of call; (6) outbound telephone number and IP address (if call terminates with an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; (9) the call center (by assigned center ID number) that handles the call; and (10) the URL address through which the call was initiated.

(b) All VRS and IP Relay providers shall submit speed of answer compliance data to the Fund administrator.

(4) Automated Call Data Collection. TRS providers shall use an automated record keeping system to capture the following data when seeking compensation from the Fund: (1) The call record ID sequence; (2) CA ID number; (3) session start and end times, at a minimum to the nearest second; (4)

conversation start and end times, at a minimum to the nearest second; (5) incoming telephone number (if call originates with a telephone) and IP address (if call originates with an IP-based device) at the time of the call; (6) outbound telephone number and IP address (if call terminates to an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; and (9) the call center (by assigned center ID number) that handles the call.

(5) Record Retention. Internet-based TRS providers shall retain the following data that is used to support payment claims submitted to the Fund administrator for a minimum of five years, in an electronic format: (1) The call record ID sequence; (2) CA ID number; (3) session start and end times; (4) conversation start and end times; (5) incoming telephone number and IP address (if call originates with an IP-based device) at the time of call; (6) outbound telephone number and IP address (if call terminates with an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; and (9) the call center (by assigned center ID number) that handles the call.

(6) Third-party Agreements. (a) VRS providers shall maintain copies of all third-party contracts or agreements so that copies of these agreements will be available to the Commission and the TRS Fund administrator upon request. Such contracts or agreements shall provide detailed information about the nature of the services to be provided by the subcontractor.

(b) VRS providers shall describe all agreements in connection with marketing and outreach activities, including those involving sponsorships, financial endorsements, awards, and gifts made by the provider to any individual or entity, in the providers' annual submissions to the TRS Fund administrator.

(7) Whistleblower Protection. TRS providers shall provide information about these TRS whistleblower protections, including the right to notify the Commission's Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing. Providers that already disseminate their internal business policies to their employees in writing (e.g. in employee handbooks, policies and procedures manuals, or bulletin board postings—either online or in hard copy) must also explicitly include these TRS whistleblower protections in those written materials.

Lastly, the Commission is revising this collection to remove the "Required Submission for Waiver Request" requirement from this collection because it is no longer necessary, as this provision has expired.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–16622 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 15, 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 No.: 3060–1035.

Title: Part 73, Subpart F International Broadcast Stations.

Form No.: FCC Forms 309, 310 and 311.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents/Responses: 225 respondents; 225 responses.

Estimated Time per Response: 2–720 hours.

Frequency of Response: Recordkeeping requirement; On occasion, semi-annual, weekly and annual reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 154, 303, 307, 334, 336 and 554.

Total Annual Burden: 20,096 hours.

Annual Cost Burden: $97,025.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three year extension of the information collection titled "Part 73, Subpart F International Broadcast Stations" under OMB Control No. 3060–1035.

This information collection is used by the Commission to assign frequencies for use by international broadcast stations, to grant authority to operate such stations and to determine if interference or adverse propagation conditions exist that may impact the operation of such stations. The Commission collects this information pursuant to 47 CFR Part 73, subpart F. If the Commission did not collect this information, it would not be in a position to effectively coordinate spectrum for international broadcasters or to act for entities in times of frequency interference or adverse propagation conditions. Therefore, the information collection requirements are as follows:

FCC Form 309—Application for Authority To Construct or Make

Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station—The FCC Form 309 is filed on occasion when the applicant is requesting authority to construct or make modifications to the international broadcast station.

FCC Form 310—Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License—The FCC Form 310 is filed on occasion when the applicant is submitting an application for a new international broadcast station.

FCC Form 311—Application for Renewal of an International or Experimental Broadcast Station License—The FCC Form 311 is filed by applicants who are requesting renewal of their international broadcast station licenses.

47 CFR 73.702(a) states that six months prior to the start of each season, licensees and permittees shall by informal written request, submitted to the Commission in triplicate, indicate for the season the frequency or frequencies desired for transmission to each zone or area of reception specified in the license or permit, the specific hours during which it desires to transmit to such zones or areas on each frequency, and the power, antenna gain, and antenna bearing it desires to use. Requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of section 47 CFR 73.702(a).

47 CFR 73.702(b) states that two months before the start of each season, the licensee or permittee must inform the Commission in writing as to whether it plans to operate in accordance with the Commission's authorization or operate in another manner.

47 CFR 73.702(c) permits entities to file requests for changes to their original request for assignment and use of frequencies if they are able to show good cause. Because international broadcasters are assigned frequencies on a seasonal basis, as opposed to the full term of their eight-year license authorization, requests for changes need to be filed by entities on occasion.

47 CFR 73.702 (note) states that permittees who during the process of construction wish to engage in equipment tests shall by informal written request, submitted to the Commission in triplicate not less than 30 days before they desire to begin such testing, indicate the frequencies they desire to use for testing and the hours they desire to use those frequencies.

47 CFR 73.702(e) states within 14 days after the end of each season, each licensee or permittee must file a report with the Commission stating whether the licensee or permittee has operated the number of frequency hours authorized by the seasonal schedule to each of the zones or areas of reception specified in the schedule.

47 CFR 73.782 requires that licensees retain logs of international broadcast stations for two years. If it involves communications incident to a disaster, logs should be retained as long as required by the Commission.

47 CFR 73.759(d) states that the licensee or permittee must keep records of the time and results of each auxiliary transmitter test performed at least weekly.

47 CFR 73.762(b) requires that licensees notify the Commission in writing of any limitation or discontinuance of operation of not more than 10 days.

47 CFR 73.762(c) states that the licensee or permittee must request and receive specific authority from the Commission to discontinue operations for more than 10 days under extenuating circumstances.

47 CFR 1.1301–1.1319 cover certifications of compliance with the National Environmental Policy Act and how the public will be protected from radio frequency radiation hazards.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–16620 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 15, 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: 3060–0906.

Title: Annual DTV Ancillary/Supplemental Services Report for DTV Stations, FCC Form 317; 47 CFR 73.624(g).

Form Number: FCC Form 317.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and responses: 9,391 respondents, 18,782 responses.

Frequency of Response: Recordkeeping requirement, annual reporting requirement.

Obligation to Respond: Required to obtain benefits—Statutory authority for this collection of information is contained in Sections 154(i), 303, 336 and 403 of the Communications Act of 1934, as amended.

Estimated Time per Response: 2–4 hours.

Total Annual Burden: 56,346 hours.

Total Annual Costs: $1,408,650.

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

required with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Each licensee/permittee of a digital television (DTV) station must file on an annual basis FCC Form 317. Specifically, required filers include the following (but we generally refer to all such entities herein as a "DTV licensee/permittee"):

A licensee of a digital commercial or noncommercial educational (NCE) full power television (TV) station, low power television (LPTV) station, TV translator or Class A TV station.

A permittee operating pursuant to digital special temporary authority (STA) of a commercial or NCE full power TV station, LPTV station, TV translator or Class A TV station.

Each DTV licensee/permittee must report whether they provided ancillary or supplementary services at any time during the reporting cycle.

Each DTV licensee/permittee is required to retain the records supporting the calculation of the fees due for three years from the date of remittance of fees. Each NCE licensee/permittee must also retain for eight years documentation sufficient to show that its entire bitstream was used "primarily" for NCE broadcast services on a weekly basis.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–16619 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting; Friday, July 11, 2014

July 3, 2014.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, July 11, 2014. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC. The Commission is waiving the sunshine period prohibition contained in Section 1.1203 of the Commission's rules, 47 CFR 1.1203, until 11:59 p.m. on Monday July 7, 2014. Thus, presentations with respect to the items listed below will be permitted until that time.

Item No.	Bureau	Subject
1	WIRELINE COMPETITION	TITLE: Modernizing the E-rate Program for Schools and Libraries (WC Docket No. 13–184). SUMMARY: The Commission will consider a Report and Order to modernize the E-Rate program and expand support for WiFi connectivity for schools and libraries. The R&O seeks to close the WiFi gap, make E-Rate dollars go farther, and deliver faster, simpler and more efficient applications and other processes.
2	WIRELINE COMPETITION	TITLE: Connect America Fund (WC Docket No. 10–90); ETC Annual Reports and Certifications (WC Docket No. 14–58). SUMMARY: The Commission will consider a Report and Order establishing a budget and a methodology for selecting winning applications for the Connect America rural broadband experiments adopted by the Commission in the January Tech Transitions Order.
3	MEDIA	TITLE: Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154); Closed Captioning of Internet Protocol-Delivered Video Clips. SUMMARY: The Commission will consider a Second Order on Reconsideration and a Second Further Notice of Proposed Rulemaking that revisits the Commission's determinations regarding the captioning of video clips when delivered using Internet protocol, ensuring that individuals with hearing disabilities are able to enjoy the full benefits of broadband technology.

*The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized may also be considered at such meetings. Consequently these summaries should not be interpreted to limit the Commission's authority to consider any relevant information.

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. 2014–16623 Filed 7–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site *(www.fmc.gov)* or by contacting the Office of

Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011931–006.

Title: CMA CGM/Marfret Vessel Sharing Agreement.

Parties: CMA CGM S.A., CMA CGM (UK) Limited, and Compagnie Maritime Marfret S.A.

Filing Party: Draughn B. Arbona, Esq.; Senior Counsel; CMA CGM (America), LLC. 5701 Lake Wright Drive, Norfolk, VA 23502–1868.

Synopsis: The amendment would provide for ad hoc space charters from CMA CGM to Marfret in the event of service disruptions due to port omissions.

Agreement No.: 011938–007.

Title: HSDG/Alianca/Norasia/Libra/CLNU Vessel Sharing Agreement.

Parties: Hamburg-Sud ("HSDG"); Alianca Navegacao e Logistica Ltda. e Cia ("Alianca"); Compania Sud Americana de Vapores, S.A.; Companhia Libra de Navegacao; Compania Libra de Navigacion Uruguay S.A.; and Norasia Container Lines Limited.

Filing Party: Walter H. Lion, Esq.; McLaughlin & Stern, LLP; 260 Madison Avenue; New York, NY 10018.

Synopsis: The amendment modifies the Agreement to reflect CSAV's transfer of its container shipping business to its wholly-owned subsidiary, Norasia, modifying agreement provisions accordingly.

Agreement No.: 011962–011.

Title: Consolidated Chassis Management Pool Agreement.

Parties: The Ocean Carrier Equipment Management Association and its member lines; the Association's subsidiary Consolidated Chassis Management LLC and its affiliates; CCM Holdings LLC; CCM Pools LLC and its subsidiaries; Matson Navigation Co.; and Westwood Shipping Lines.

Filing Party: Donald J. Kassilke, Esq.; Cozen O'Conner; 1627 I Street NW., Suite 1100, Washington, DC 20006–4007.

Synopsis: The Amendment would authorize the licensing of pool management software systems to third parties and would authorize management of third party chassis pools.

Agreement No.: 012204–003.

Title: ELJSA-Hanjin Shipping Slot Exchange Agreement.

Parties: Evergreen Line Joint Service Agreement and Hanjin Shipping Co. Ltd.

Filing Party: Paul M. Keane, Esq.; Cichanowicz, Callan, Keane, Vengrow and Textor, LLP; 61 Broadway, Suite 3000; New York, NY 10006.

Synopsis: The amendment would add port calls at Hong Kong and Singapore.

Agreement No.: 201143–011.

Title: West Coast MTO Agreement.

Parties: APM Terminals Pacific, Ltd.; California United Terminals, Inc.; Eagle Marine Services, Ltd.; International Transportation Service, Inc.; Long Beach Container Terminal, Inc.; Seaside Transportation Service LLC; Trapac, Inc.; Total Terminals LLC; West Basin Container Terminal LLC; Yusen Terminals, Inc.; Pacific Maritime Services, L.L.C.; SSA Terminals, LLC; and SSA Terminal (Long Beach), LLC.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100, Washington, DC 20006.

Synopsis: The amendment would authorize the parties to discuss, agree upon, establish, revise, maintain, cancel and enforce terminal rates and rules with respect to on-terminal storage of equipment.

By Order of the Federal Maritime Commission.

Dated: July 11, 2014.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–16717 Filed 7–15–14; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0089; Docket No. 2014–0055; Sequence 7]

Submission for OMB Review; Request for Authorization of Additional Classification and Rate, Standard Form 1444

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Request for Authorization of Additional Classification and Rate, Standard Form (SF) 1444. A notice was published in the **Federal Register** at 79 FR 26429 on May 8, 2014. One Comment was received.

DATES: Comments may be submitted on or before August 15, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0089 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0089. Select the link "Comment Now" that corresponds with "Information Collection 9000–0089, Request for Authorization of Additional Classification and Rate, SF 1444." Follow the instructions provided on the screen. Please include your name, company name (if any), and "Information Collection 9000–0089, Request for Authorization of Additional Classification and Rate, SF 1444" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0089.

Instructions: Please submit comments only and cite Information Collection 9000–0089, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Procurement Analyst, Federal Acquisition Policy Division, GSA, 202–501–0650 or email *edward.loeb@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal Acquisition Regulation (FAR) 22.406 prescribes labor standards for federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts (DBRA), as well as labor standards for non-construction contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA).

The recordkeeping requirements in this regulation, FAR 22.406, reflect the requirements cleared under OMB control numbers 1215–0140, 1215–0149, and 1215–0017 for 29 CFR 5.5(a)(1)(i), 5.5(c), and 5.15 (records to be kept by employers under the Fair Labor Standards Act (FLSA)). The regulation at 29 CFR 516 reflects the basic recordkeeping and reporting requirements for the laws administered by the Wage and Hour Division of the Employment Standards Administration.

FAR 22.406–3, implements the recordkeeping and information collection requirements prescribed in 29 CFR 5.5(a)(1)(ii) cleared under OMB control number 1215–0140 (also prescribed at 48 CFR 22.406 under OMB control number 9000–0089), by providing SF 1444, Request for Authorization of Additional Classification and Rate, for the contractor and the Government to enter the recordkeeping and information collection data required by 29 CFR 5.5(a)(1)(ii) prior to transmitting the data to the Department of Labor.

This SF 1444 places no further burden on the contractor or the Government other than the information collection burdens already cleared by OMB for 29 CFR 5.

B. Annual Reporting Burden

There is no burden placed on the public beyond that prescribed by the Department of Labor regulations.

Number of Respondents: 4493.
Responses per Respondent: 2.
Total Annual Responses: 8986.
Review Time per Response: .5.
Total Burden Hours: 4493.

The burden hour is estimated to be time necessary for the contractor to prepare and submit the form.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requester may obtain a copy of the justification from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0089, Request for Authorization of Additional Classification and Rate, Standard Form 1444, in all correspondence.

Dated: July 11, 2014.

Karlos Morgan,

Acting Director, Federal Acquisition Policy Division, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

[FR Doc. 2014–16761 Filed 7–15–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Voluntary Establishment of Paternity.

OMB No.: 0970–0175.

Description: Section 466(a)(5)(C) of the Social Security Act requires States to pass laws ensuring a simple civil process for voluntarily acknowledging paternity under which the State must provide that the mother and putative father must be given notice, orally and in writing, of the benefits and legal responsibilities and consequences of acknowledging paternity. The information is to be used by hospitals, birth record agencies, and other entities participating in the voluntary paternity establishment program that collect information from the parents of children that are born out of wedlock.

Respondents: The parents of children that are born out of wedlock.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
None	1,113,719	1	0.17	189,332

Estimated Total Annual Burden Hours: 189,332.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–16640 Filed 7–15–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretarial Review and Publication of the Annual Report to Congress and the Secretary Submitted by the Contracted Consensus-Based Entity Regarding Performance Measurement

AGENCY: Office of the Secretary of Health and Human Services, HHS.

ACTION: Notice.

SUMMARY: This notice acknowledges the Secretary of the Department of Health and Human Services' (HHS) receipt and review of the 2014 Annual Report to Congress and the Secretary submitted by the contracted consensus-based entity (CBE) as mandated by section 1890(b)(5) of the Social Security Act, as created by section 183 of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) and

amended by section 3014 of the Affordable Care Act of 2010. The statute requires the Secretary to review and publish the report in the **Federal Register** together with any comments of the Secretary on the report not later than six months after receiving the report. This notice fulfills those requirements.

FOR FURTHER INFORMATION CONTACT: Corette Byrd, (410) 786–1158.

The order in which information is presented in this notice is as follows:

I. Background

Rising health care costs coupled with the growing concern over the level of and variation in quality and efficiency in the provision of health care raise important challenges for the United States. Section 183 of MIPPA created Section 1890 of the Social Security Act, which requires the Secretary of the Department of Health and Human Services (HHS) to contract with a consensus-based entity (CBE) to perform multiple duties pertaining to health care performance measurement. These activities support HHS's efforts to promote high-quality, patient-centered, and financially sustainable health care. The statute mandates that the contract be competitively awarded for a period of four years and allows it to be renewed under a subsequent bidding process.

In January, 2009, a competitive contract was awarded by HHS to the National Quality Forum (NQF) for a four-year period. The contract specified that the CBE should conduct its business in an open and transparent manner, provide the opportunity for public comment and ensure that membership fees do not pose a barrier to participation in the scope of HHS's contract activities, if applicable.

The Affordable Care Act of 2010 amended the statutory requirement for the CBE by adding new requirements for annual reporting to Congress and the Secretary of HHS and for convening multi-stakeholder groups and by providing additional funding for the work of the CBE.

Anticipating the end of the first contract, HHS solicited proposals for continued CBE work. After an open competition, a second four-year contract was awarded to NQF in 2012. Although the two contracts were in effect simultaneously for a short period of time, work of the two contracts did not overlap. Once the initial contract ended, task orders for work were awarded under the second contract. This annual report includes work conducted in calendar year 2013 under both the original contract which ended in 2013 and the subsequent contract.

The two HHS contracts in effect during 2013 include the following major tasks:

Priority Setting Process: Formulation of a National Strategy and Priorities for Health Care Performance—The CBE shall synthesize evidence and convene key stakeholders to make recommendations on an integrated national strategy and priorities for health care performance measurement in all applicable settings. The CBE shall give priority to measures that: address the health care provided to patients with prevalent, high-cost chronic diseases; provide the greatest potential for improving quality, efficiency and patient-centered health care; and may be implemented rapidly due to existing evidence, standards of care or other reasons. Additionally, the CBE shall take into account measures that: May assist consumers and patients in making informed health care decisions; address health disparities across groups and areas; and address the continuum of care across multiple providers, practitioners and settings.

Endorsement of Measures: Implementation of a Consensus Process for Endorsement of Health Care Quality Measures—The CBE shall provide for the endorsement of standardized health care performance measures. This process shall consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible to collect and report, and responsive to variations in patient characteristics such as health status, language capabilities, race or ethnicity, and income level and is consistent across types of health care providers including hospitals and physicians.

Maintenance of Consensus Endorsed Measures—The CBE shall establish and implement a process to ensure that endorsed measures are updated (or retired if obsolete) as new evidence is developed.

Convening Multi-Stakeholder Groups—The CBE shall convene multi-stakeholder groups to provide input on: (1) The selection of certain categories of quality and efficiency measures, from among such measures that have been endorsed by the entity; and such measures that have not been considered for endorsement by such entity but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities in the delivery of health care services for consideration under the national strategy. The CBE provides input on measures for use in certain specific Medicare programs, for use in programs that report performance information to the public, and for use in health care programs that are not included under the Social Security Act. The multi-stakeholder groups consider measures to be implemented through the federal rulemaking process for various federal health care quality reporting and quality improvement programs including those that address certain Medicare services provided through hospices, hospital inpatient and outpatient facilities, physician offices, cancer hospitals, end stage renal disease (ESRD) facilities, inpatient rehabilitation facilities, long-term care hospitals, psychiatric hospitals, and home health care programs.

Annual Report to Congress and the Secretary—Under section 1890(b)(5)(A) of the Act, by not later than March 1 of each year (beginning with 2009) the CBE shall submit to Congress and the Secretary of HHS an annual report. The report shall contain a description of:

(i) The implementation of quality and efficiency measurement initiatives and the coordination of such initiatives with quality and efficiency initiatives implemented by other payers;

(ii) recommendations on an integrated national strategy and priorities for health care performance measurement;

(iii) performance of its duties required under its contract with HHS;

(iv) gaps in endorsed quality and efficiency measures, which shall include measures that are within priority areas identified by the Secretary under the National Quality Strategy established under section 399HH of the Public Health Service Act (National Quality Strategy), and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps;

(v) areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy, and where targeted research may address such gaps; and

(vi) the convening of multi-stakeholder groups to provide input on: (1) The selection of quality and efficiency measures from among such measures that have been endorsed by the CBE and such measures that have not been considered for endorsement by the CBE but are used or proposed to be used by the Secretary for the collection

or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and the delivery of health care services for consideration under the National Quality Strategy.

Section 1890(b)(5)(B) of the Social Security Act requires Secretarial review and publication of this report in the **Federal Register**, together with any comments of the Secretary on the report not later than 6 months after receiving the report. We have included our comments in section IV below.

The first annual report covered the performance period of January 14, 2009 to February 28, 2009 or the first six weeks post contract award. In March 2009, NQF submitted the first annual report to Congress and the Secretary of HHS. Given the short timeframe between award and the statutory requirement for the submission of the first annual report, this first report provided a brief summary of future plans. The Secretary published a notice in the **Federal Register** in compliance with the statutory mandate for review and publication of the annual report on September 10, 2009 (74 FR 46594).

In March 2010, NQF submitted to Congress and the Secretary the second annual report covering the period of performance of March 1, 2009 through February 28, 2010. The second annual report was published in the **Federal Register** on October 22, 2010 (75 FR 65340) after Secretarial review.

In March 2011, NQF submitted the third annual report to Congress and Secretary of HHS. The third annual report, which covers March 1, 2010 through February 28, 2011, was published in the **Federal Register** on September 7, 2011 (76 FR 55474) after Secretarial review.

In March 2012, NQF submitted its fourth annual report to Congress and the Secretary. The report covers the period of performance of January 14, 2011 through January 13, 2012. The fourth annual report was published in the **Federal Register** on September 14, 2012 (77 FR 56920) after Secretarial review.

In March 2013, NQF submitted its fifth annual report to Congress and the Secretary. This report covers the period of performance of January 14, 2012 through December 31, 2012. The fifth annual report was published in the **Federal Register** on August 1, 2013 (78 FR 46696) after Secretarial review.

In March 2014, NQF submitted its sixth annual report to Congress and the Secretary. The report covers the period of performance of January 1, 2013 through December 31, 2013. Because the first annual report covered only six weeks, there have been six annual reports under this five-year contract. This notice complies with the statutory requirement for Secretarial review and publication of the fifth NQF annual report.

II. NQF Report of 2013 Activities to Congress and the Secretary of the Department of Health and Human Services

This report was funded by the U.S. Department of Health and Human Services under contract number: HHSM–500–2012–00009I Task Order 9.

I. Executive Summary

Over the last six years Congress has passed two statutes (and extended one) that call upon HHS to work with a consensus-based entity (the "Entity") to facilitate multi-stakeholder input into (1) setting national priorities for improvement in quality, and (2) recommending use of performance measures in federal programs to achieve these priorities. The statutes also call upon a consensus-based entity to review and endorse a portfolio of standardized performance measures to be used by stakeholders in public and private quality improvement and accountability programs. The first of these statutes is the 2008 Medicare Improvements for Patients and Providers Act (MIPPA) (PL 110–275), which established the responsibilities of the consensus-based entity by creating section 1890 of the Social Security Act. The second statute is the 2010 Patient Protection and Affordable Care Act (ACA) (Pub. L. 111–148), which modified and added to the consensus-based entity's responsibilities. The 2013 American Taxpayer Relief Act (Pub. L. 112–240) extended funding under the MIPPA statute to the consensus-based entity through fiscal year 2013. HHS awarded contracts related to the consensus-based entity identified in these statutes to the National Quality Forum (NQF).

These laws specifically charge the Entity to report annually on its work. As amended by the above laws, the Social Security Act (the Act)—specifically section 1890(b)(5)(A)—also mandates that the entity report to Congress and the Secretary of the Department of Health and Human Services (HHS) no later than March 1st of each year. The report must include descriptions of: (1) How NQF has implemented quality and efficiency measurement initiatives under the Act and coordinated these initiatives with those implemented by other payers; (2) NQF's recommendations with respect to activities conducted under the Act ; (3) NQF's performance of the duties required under its contract with HHS; (4) gaps in endorsed quality and efficiency measures that NQF has identified, including measures that are within priority areas identified by the Secretary under HHS' national strategy; (5) areas in which evidence is insufficient to support endorsement of measures in priority areas identified by the National Quality Strategy, and where targeted research may address such gaps, and (6) the matters described in clauses (i) and (ii) of paragraph (7)(A) of section 1890(b).[1]

This fifth Annual Report highlight's NQF's work conducted between January 14, 2013 and December 31, 2013 related to these statutes and conducted under a federal contract with the U.S. Department of Health and Human Services. The deliverables produced under contract in 2013 are referenced throughout this report, and a full list is included in Appendix A.

Recommendations on the National Quality Strategy and Priorities

Section 1890(b)(1) of the Social Security Act (the Act), mandates that the consensus-based entity (CBE) also required under section 1890 of the Act shall "synthesize evidence and convene key stakeholders to make recommendations . . . on an integrated national strategy and priorities for healthcare performance measurement in all applicable settings." In making such recommendations, the entity shall ensure that priority is given to measures that address the healthcare provided to patients with prevalent, high-cost chronic diseases, that focus on the greatest potential for improving the quality, efficiency, and patient-centeredness of healthcare, and that may be implemented rapidly due to existing evidence and standards of care. In addition, the entity will take into account measures that may assist consumers and patients in making informed healthcare decisions, address health disparities across groups and areas, and address the continuum of care a patient receives, including services furnished by multiple healthcare providers or practitioners and across multiple settings.

In 2010, at the request of HHS, the NQF-convened National Priorities Partnership (NPP) provided input that helped shape the initial version of the *National Quality Strategy* (NQS).[2] The NQS was released in March 2011, setting forth a cohesive roadmap for achieving better, more affordable care, and better health. Upon the release of the NQS, HHS accentuated the word 'national' in its title, emphasizing that healthcare stakeholders across the

country, both public and private, all play a role in making the NQS a success.

NQF has continued to further the NQS by convening diverse stakeholder groups to reach consensus on key strategies for improvement. In 2013, NQF began work in several emerging areas of importance that address the National Quality Strategy, such as how to improve population health within communities; how consumers can leverage quality information to make informed healthcare coverage decisions; and how to dramatically improve patient safety in high-priority areas.

Quality and Efficiency Measurement Initiatives (Performance Measures)

Under section 1890(b)(2) and (3) of the Act, the entity must provide for the endorsement of standardized healthcare performance measures. The endorsement process shall consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible for collecting and reporting data, responsive to variations in patient characteristics, and consistent across healthcare providers. In addition, the entity must maintain endorsed measures, including retiring obsolete measures and bringing other measures up to date.

Since its inception in 1999, NQF has developed a portfolio of approximately 700 NQF-endorsed measures which are in widespread use across an array of settings. In concert with others, the work of NQF has contributed to a more information-rich healthcare system, and demonstrated that measures—particularly in tandem with delivery changes and payment reform—can lead to improvement in performance.

Over the past several years, NQF, working in partnership with HHS and others, has worked to evolve the science of performance measurement through more rigorous evaluation criteria. This effort has included placing greater emphasis on evidence and a clear link to outcomes; a greater focus on addressing key gaps in care, including care coordination and patient experience; and a requirement that testing of measures demonstrates their reliability and validity. NQF also has laid the foundation for the next generation of measures by providing guidance on composite measurement; patient-reported outcome measures; electronic, or eMeasures; and measures that evaluate complex but important areas such as resource use and population health.

Across six HHS-funded projects in 2013, NQF added 27 measures to its portfolio. During 2013, NQF also removed 95 measures from its portfolio for a variety of reasons: Measures no longer met endorsement criteria; measures were harmonized with other similar, competing measures; measure developers chose to retire measures they no longer wished to maintain; or measures "topped out," by consistently performing at the highest level.

Since September 2013, HHS has awarded to NQF 11 additional measure endorsement projects, touching on topics such as admissions and readmissions, cost and resource use, endocrine, cardiovascular, care coordination, and person- and family-centered care, among others. NQF has begun seating expert steering committees for each project, as well as issuing calls for measures to be reviewed and considered for endorsement.

Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities

Under section 1890A of the Act, HHS is required to establish a pre-rulemaking process under which a consensus-based entity (currently NQF) would convene multi-stakeholder groups to provide input to the Secretary on the selection of quality and efficiency measures for use in certain federal programs. The list of quality and efficiency measures HHS is considering for selection is to be publicly published no later than December 1 of each year. No later than February 1 of each year, NQF is to report the input of the multi-stakeholder groups, which will be considered by HHS in the selection of quality and efficiency measures.

The Measure Applications Partnership (MAP) is a public-private partnership convened by NQF and created to provide input to HHS on the selection of performance measures for more than twenty federal public reporting and performance-based payment programs. The MAP provides a unique opportunity for public- and private-sector leaders to develop and then seek broad review and comment on a future-focused performance measurement strategy, as well as provide shorter-term recommendations for that strategy on an annual basis. The MAP strives to offer recommendations that apply to and are coordinated across settings of care; federal, state, and private programs; levels of attribution and measurement analysis; payer type; and points in time.

In 2013, HHS requested that MAP focus on an array of projects including recommending measures for federal public reporting and payment programs, developing "families of measures" (groups of measures selected to work together across settings of care in pursuit of specific healthcare improvement goals) for high-priority areas, and providing input on measures for vulnerable populations, including Medicare-Medicaid enrollees and adults enrolled in Medicaid.

Gaps in Endorsed Quality and Efficiency Measures and Evidence and Targeted Research Needs

Under section 1890(b)(5)(iv) of the Act, the entity is required to describe gaps in endorsed quality and efficiency measures, including measures within priority areas identified by HHS under the agency's National Quality Strategy, and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps. Under section 1890(b)(5)(v) of the Act, the entity is also required to describe areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy and where targeted research may address such gaps.

NQF continued in 2013 to address the need to fill measurement gaps by building on and supplementing the analytic work that informed a 2012 Measure Gap Analysis Report. Through both the MAP and its expert committees convened to assess measures for endorsement, NQF took initial steps to encourage gap-filling by moving toward prioritization of gap areas, offering more detailed suggestions for measure development, and involving measure developers in discussions about gaps.

In an effort to get more specific and detailed guidance to measure developers with respect to key measurement gap areas, HHS requested in 2013 that NQF recommend priorities for performance measurement development across five topics areas specified by HHS, including:

- *Adult Immunization*—identifying critical areas for performance measurement to optimize vaccination rates and outcomes across adult populations;
- *Alzheimer's Disease and Related Dementias*—targeting a high-impact condition with complex medical and social implications that impact patients, their families, and their caregivers;
- *Care Coordination*—focusing on team-based care and coordination between providers of primary care and community-based services in the context of the "health neighborhood";
- *Health Workforce*—emphasizing the role of the workforce in prevention and

care coordination, linkages between healthcare and community-based services, and workforce deployment; and

• *Person-Centered Care and Outcomes*—considering measures that are most important to patients—particularly patient-reported outcomes—and how to advance them through health information technology.

II. Recommendations on the National Quality Strategy and Priorities

Section 1890(b)(1) of the Social Security Act (the Act), mandates that the consensus-based entity (CBE) also required under section 1890 of the Act shall "synthesize evidence and convene key stakeholders to make recommendations . . . on an integrated national strategy and priorities for healthcare performance measurement in all applicable settings." In making such recommendations, the entity shall ensure that priority is given to measures that address the healthcare provided to patients with prevalent, high-cost chronic diseases, that focus on the greatest potential for improving the quality, efficiency, and patient-centeredness of healthcare, and that may be implemented rapidly due to existing evidence and standards of care. In addition, the entity will take into account measures that may assist consumers and patients in making informed healthcare decisions, address health disparities across groups and areas, and address the continuum of care a patient receives, including services furnished by multiple healthcare providers or practitioners and across multiple settings.

In 2010, at the request of HHS, the NQF-convened National Priorities Partnership (NPP) provided input that helped shape the initial version of the *National Quality Strategy* (NQS).[3] The NQS was released in March 2011, setting forth a cohesive roadmap for achieving better, more affordable care, and better health. Upon the release of the NQS, HHS accentuated the word 'national' in its title, emphasizing that healthcare stakeholders across the country, both public and private, all play a role in making the NQS a success.

NQF has continued to further the NQS by convening diverse stakeholder groups to reach consensus on key strategies for improvement. In 2013, NQF began work in several emerging areas of importance that address the National Quality Strategy, such as how to improve population health within communities; how consumers can leverage quality information to make informed healthcare coverage decisions; and how to dramatically improve patient safety in high-priority areas. Activities in these areas are discussed below.

Improving Population Health Within Communities

The National Quality Strategy's population health aim focuses on:

"Improv[ing] the health of the U.S. population by supporting proven interventions to address behavioral, social, and environmental determinants of health in addition to delivering higher-quality care."

One of the NQS' six priorities specifically emphasizes:

"Working with communities to promote wide use of best practices to enable healthy living."

With the expansion of coverage due to the ACA, the Federal government has an opportunity to meaningfully coordinate its improvement efforts with those of local communities in order to better integrate and align medical care and population health. If such efforts are effective, the nation's health will be improved and costs will be lowered. To support these efforts, NQF conducted an environmental scan of frameworks, initiatives, tools, data, and measures that can provide the foundation for developing an evidence-based framework to be used by communities to improve population health. This framework is intended to provide guidance in answering questions such as:

• How can multi-stakeholder groups come together to address community health improvement?

• Which individuals and organizations should be at the table?

• What processes and methods should communities use to assess their health?

• What data are available to assess, analyze, and address community health needs, and measure improvement?

• What incentives exist that can drive alignment and coordination to improve community health?

• How can communities advance more affordable care by achieving greater alignment, efficiency, and cost savings?

This framework will also identify key drivers of population health across communities; opportunities to align public- and private-sector programs as well as federal programs to reduce measurement burden; and measures to drive improvement in health.

The project's Steering Committee met in January 2014 to discuss the results of the environmental scan and how it can be leveraged to develop a framework. This initial work is part of a three-year effort that ultimately will result in an action-oriented guide that communities can use to implement the framework and improve population health.

Health Insurance Exchange Quality Rating System

Under the statutory provision that the consensus-based entity will "take into account measures that may assist consumers and patients in making informed healthcare decisions," HHS directed NQF to convene multi-stakeholder groups to provide input and comment on the hierarchical structure and organization of a Quality Rating System (QRS), as well as proposed quality and efficiency measures that will form a core measure set for the QRS. The measures—which will be publicly reported beginning in 2016—will help consumers select plans through the new Health Insurance Exchanges established by the Affordable Care Act.

The review and provision of input on the proposed core measures and organization of information for the QRS is being carried out by NQF's Measure Applications Partnership (MAP). The MAP is made up of stakeholders from a wide array of healthcare sectors and 10 federal agencies, as well as 110 subject matter experts, tasked with recommending measures for federal public reporting, payment, and other programs to enhance healthcare value. The MAP convened the QRS Task Force in November 2013 to finalize the task force's decision-making framework, provide input on the proposed measures for the family and child measure core sets, and comment on the structure of the QRS. The task force also discussed the highest leverage opportunities for measurement within the health insurance exchange marketplaces and developed an ideal organization of measures to best support consumer decision-making. The task force met again in December 2013 and finalized recommendations to the MAP Coordinating Committee on the proposed structure and measures for the QRS for submission in January 2014.[4]

Supporting HHS' Partnership for Patients

Finally, NQF is leveraging its membership and relationships with key stakeholders across the healthcare field to further mobilize private sector action in support of HHS' *Partnership for Patients*,[5] an initiative started in spring 2011 to improve patient safety across the country. Specifically, in 2013 NQF formed three Action Teams—established teams tasked with developing and acting on specific goals aligned with the NQS safety priority—

to address high-priority areas for improvement, including maternity care, patient and family engagement, and readmissions. The Action Teams largely comprise diverse national organizations that have members or chapters in communities across the country. Through coordination at the national level, Action Teams spur changes to the delivery system at the local level. Previous Action Teams formed by NQF have worked on improving maternity care and reducing readmissions, but in late 2013, these Teams committed to focusing on specific goals, including:

- Reducing early elective deliveries;
- Reducing readmissions for complex and vulnerable populations; and
- Engaging patients and families in health systems improvement.

In partnership with the Action Teams, NQF will hold four quarterly meetings and develop four impact reports in 2014 that call out innovative ideas and best practices that have the potential to accelerate change.

III. Quality and Efficiency Measurement Initiatives (Performance Measures)

Under section 1890(b)(2) and (3) of the Act, the entity must provide for the endorsement of standardized health care performance measures. The endorsement process shall consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible for collecting and reporting data, responsive to variations in patient characteristics, and consistent across healthcare providers. In addition, the entity must maintain endorsed measures, including retiring obsolete measures and bringing other measures up to date.

Standardized healthcare performance measures are used by a range of healthcare stakeholders for a variety of purposes. Measures help clinicians, hospitals, and other providers understand whether the care they provide their patients is optimal and appropriate, and if not, where to focus their efforts to improve. Public and private payers also use measures for feedback and benchmarking purposes, public reporting, and incentive-based payment. Lastly, measures are an essential part of making the cost and quality of healthcare more transparent to all, particularly for those who receive care or help make care decisions for loved ones.

Working with a variety of stakeholders to build consensus, NQF reviews and endorses healthcare performance measures that underpin federal and private-sector initiatives focused on enhancing the value of healthcare services. Since its inception in 1999, NQF has developed a portfolio of approximately 700 NQF-endorsed measures which are in widespread use across an array of settings. In concert with others, the work of NQF has contributed to a more information-rich healthcare system, and demonstrated that measures—particularly in tandem with delivery changes and payment reform—can lead to improvement in performance.

Over the past several years, NQF, in concert with HHS and others, has worked to evolve the science of performance measurement through more rigorous evaluation criteria. This effort has included placing greater emphasis on evidence and a clear link to outcomes; a greater focus on addressing key gaps in care, including care coordination and patient experience; and a requirement that testing of measures demonstrates their reliability and validity. NQF also has laid the foundation for the next generation of measures by providing guidance on composite measurement, patient-reported outcome measures, electronic or eMeasures, and measures that evaluate complex but important areas such as resource use and population health.

Current State of NQF Measures Portfolio: Constricting and Expanding To Meet Evolving Needs

NQF's measure "maintenance" process—where endorsed measures are re-evaluated against current criteria and reviewed alongside newly submitted but not yet endorsed measures—ensures that the measure portfolio contains "best-in class" measures across a variety of clinical and cross-cutting topic areas. Working with expert committees,[6] NQF undertakes three essential actions to keep its endorsed measure portfolio relevant. First, the expert committees review both previously endorsed and new measures in a particular topic area to determine which measures deserve to be endorsed or re-endorsed. In addition, as the expert committees review measures for endorsement, they also recommend removing from the portfolio—or putting into "reserve status"[7]—measures that consistently show improvement at the highest levels or "top out." This culling of measures ensures that time is spent measuring concepts in need of improvement rather than measuring concepts where widespread success has already been achieved.

Finally, NQF also works with stewards and developers who create measures, in order to "harmonize" related or near-identical measures and eliminate nuanced differences. Harmonization is critical to reducing measurement burden for providers, who may be inundated with various misaligned measurement requests. Successful harmonization may result in fewer endorsed measures for providers to report and for payers and consumers to interpret. Where appropriate, NQF works with measure developers to replace existing process measures with more meaningful outcome measures.

Across six HHS-funded projects in 2013, NQF added 27 measures to its portfolio. This contrasts to 301 measures endorsed in 2012 across 16 HHS-funded projects. The significant difference in endorsed measures between 2012 and 2013 can be attributed to the fact that the 2013 work was primarily conducted within a contract that was nearing completion. New measure endorsement projects were awarded under a new contracting vehicle in September 2013. During 2013, NQF also removed 95 measures from its portfolio for a variety of reasons: Measures no longer met endorsement criteria; measures were harmonized with other similar, competing measures; measure developers chose to retire measures they no longer wished to maintain; or measures "topped out," by consistently performing at the highest level.

While NQF pursues strategies to make its measure portfolio appropriately lean, it also aggressively seeks measures from the field that will help to fill known measure gaps and to align with the NQS goals. Several important factors motivate NQF to expand its portfolio, including the need for eMeasures; measures that are applicable to multiple clinical specialties and settings of care; measures which assist in the evaluation of new payment models (e.g., bundled payment); and the need for more advanced measures that help close cross-cutting gaps in areas such as care coordination and patient-reported outcomes. The measure portfolio reflects the combined "dynamic yet static" effect of these strategies: Although the portfolio frequently changes due to new measures cycling in and older measures cycling out, the relative number of endorsed measures remained steady in 2013.

Furthermore, a diverse set of measure developers, ranging from medical specialty societies to hospital systems to government agencies, have had measures endorsed through NQF's consensus development process. While 69 developers have made significant contributions to the portfolio, seven

measure developers account for 64 percent of NQF's portfolio:

TOP DEVELOPERS OF ENDORSED MEASURES

Measure steward/developer	Number of measures	Percent of total portfolio
1. Centers for Medicare & Medicaid Services	117	17
2. National Committee for Quality Assurance (NCQA)	104	15
3. Physician Consortium for Performance Improvement (PCPI)	94	14
4. Agency for Healthcare Research and Quality (AHRQ)	56	8
5. Resolution Health, Inc.	23	3
6. The Joint Commission	22	3
7. ActiveHealth Management	22	3

Measure Endorsement Accomplishments

In 2013, NQF completed work on six HHS-funded measure endorsement projects—endorsing 27 total measures. These measures included 11 new measures and 16 measures that the NQF expert committees concluded could maintain their previous endorsement after being reviewed against the NQF measure evaluation criteria and compared to new evidence or competing measures.

The measures endorsed by NQF in 2013 align with needs prioritized in the NQS and address several critical areas, including pulmonary and critical care, infectious disease, neurology, and patient safety.

Measure highlights include the following:

Pulmonary and critical care measures. Lung disease—including asthma, chronic obstructive pulmonary disease (COPD), and pneumonia—affects some 33 million Americans and is the third leading cause of death in the United States.[8] Critical care units often bear the burden of treating people with these and other conditions. Each year, more than five million people are admitted to intensive care units (ICUs) suffering from respiratory distress or failure, sepsis, and heart disease or failure. In 2013, NQF endorsed a measure addressing mortality rates for patients hospitalized with chronic obstructive pulmonary disease (COPD), as well as two measures focused on readmission rates for patients hospitalized with COPD and pneumonia.

Neurology measures. Neurological conditions and injuries affect millions of Americans each year, taking a tremendous toll on patients, families, and caregivers, and costing billions of dollars in treatment, rehabilitation, and lost or reduced earnings. An estimated 5.4 million Americans have Alzheimer's disease, accounting for 70 percent of the cases of dementia in the country and $130 billion in Medicare and Medicaid spending in 2011.[9] [10] [11] Furthermore, epilepsy and Parkinson's disease together affect three million Americans and cost $15.5 billion and $25 billion in healthcare costs each year, respectively.[12] [13] In 2013, NQF endorsed five measures related to diagnostic imaging and care for dementia and epilepsy.

Infectious disease measures. Many infectious diseases have been controlled or eradicated through the use of vaccines and advanced medicine, yet many others are still responsible for widespread morbidity and mortality as well as rising healthcare costs. In fact, hospital charges for infectious disease averaged $96 billion per year with an average 4.5 million hospital days per year in 2008.[14] In 2013, NQF endorsed 16 infectious disease measures focused on an array of conditions, including sepsis and septic shock, appropriate treatment for upper respiratory infections, screening for tuberculosis and sexually transmitted infections in HIV/AIDs patients, and vaccination and treatment for hepatitis C.

Patient safety measures. The Centers for Disease Control and Prevention estimates that healthcare-acquired infections potentially cost U.S. hospitals more than $31 billion per year.[15] These costs are passed on in a number of ways, including insurance premiums, taxes, or lost work wages. Proactively addressing medical errors and unsafe care will help protect patients from harm, lead to more effective and equitable care, and can help reduce costs. In 2013, through its patient safety complications endorsement project, NQF endorsed two measures related to patient falls, including fall rates and falls that resulted in injury.

Advancing Measurement Science

NQF was also asked to provide guidance to the field on emerging areas of importance, and as a result completed two reports—Composite Performance Measure Evaluation Guidance [16] and eMeasure Feasibility Assessment,[17] described below.

Evaluating composite measures. NQF undertook an HHS-funded project focused on providing guidance about composite measures—which combine information on multiple individual performance measures into one summary measure. Such measures can provide a way for payers and patients to get a high-level, comprehensive sense of performance in a given area, while giving providers a look at the strengths and weaknesses of the care they are providing. However, composite measures are complex, and the methods used to construct such measures affect the reliability, validity, and usefulness of the measure and require some unique considerations for testing and analysis. Accordingly, NQF convened a Technical Expert Panel that produced a final report offering guidance to Steering Committees tasked with evaluating composite measures. The primary recommendations that came out of the report indicate that while composite measures may be evaluated against current NQF measure evaluation criteria, they must also be subject to two additional sub-criteria addressing evidence and reliability and validity (further explanation can be found in Table 1 of the *final report* [18]). NQF did not endorse any composite measures in 2013.

eMeasure feasibility assessment. As quality measurement shifts to using measures derived from electronic health records (EHRs), there is a need for more clarity about the testing required to assure that eMeasures can be used for a range of accountability applications. In response, a report from NQF identified a set of principles and criteria to ensure adequate feasibility testing for new and retooled eMeasures moving forward. This final report provides important guidance that can shape future eMeasure development, as well as product development and certification requirements. Specifically, the report

included seven feasibility recommendations, including the need to:

1. Assess feasibility throughout eMeasure development
2. Develop a framework for feasibility assessment
3. Validate data element feasibility scoring
4. Create a data element feasibility repository
5. Use results of feasibility assessment to inform NQF evaluation for endorsement
6. Use NQF composite performance measurement guidance to inform eMeasure developers
7. Promote greater collaboration between eMeasure developers and implementers

A complete listing of measurement projects undertaken by NQF in 2013 under contract with HHS is available in Appendix A, including the 11 new endorsement projects that were awarded in fall 2013. Individual measures may be found on the NQF Web site using the *Quality Positioning System (QPS),*[19] NQF's search tool for endorsed measures. Please note that no eMeasures were endorsed in 2013.

New Endorsement Work Ahead

Since September 2013, HHS has awarded to NQF several additional measure endorsement projects, touching on topics such as admissions and readmissions, cost and resource use, endocrine, cardiovascular, care coordination, and person- and family-centered care, among others. NQF has begun seating expert steering committees for each project, as well as issuing calls for measures to be reviewed and considered for endorsement.

In addition, NQF has begun work on two other measure-related projects. One focuses on episode groupers, which create condition-specific episodes of care from administration claims data, which can be useful in deciding how best to group costs per episode. In turn, these groupers can help the healthcare community make meaningful assessments and comparisons about the cost and amount of healthcare resources used.

In the episode grouper project, NQF seeks to:

- Define the characteristics of an episode grouper in comparison to other systems, including classification or risk adjustment systems;
- Review (and modify as needed) existing NQF endorsement criteria and guidance, and/or provide additional recommendations for episode grouper evaluation;
- Examine the necessary submission elements for the evaluation of an episode grouper; and
- Review best practices for the construction of an episode grouper.

NQF is working to seat an expert steering committee for this work, and will hold an in-person meeting in 2014.

Through the second measurement science project, NQF is bringing together expert stakeholders to develop a set of recommendations focused on risk adjustment for performance measures—the process of controlling for intrinsic patient factors that could influence outcomes. For example, risk adjustment allows for fair comparisons between two providers who treat elderly, sicker patients and younger, healthier patients, respectively. These recommendations will specifically address if, when, and how resource use performance measures should be adjusted for socioeconomic status (SES), race, and ethnicity. The recommendations will also address whether NQF's measure evaluation criteria—which currently indicate that such measures not be risk adjusted but instead stratified (i.e., split in a way that shows differences between two or more groups) for factors related to disparities in care—should be revised. NQF finalized the composition of a steering committee to guide this project in December 2013.

Patient Safety Event Reporting

For more than ten years, both NQF and the Agency for Healthcare Research and Quality (AHRQ) have worked to find a standardized approach for reporting to enable shared learning across the country on how to reduce adverse events. NQF's list of Serious Reportable Events (SRE's) first published in 2002, has helped raise awareness and stimulate action around preventable adverse event that should be reported. The Patient Safety and Quality Improvement Act of 2005 advanced reporting further by authorizing the development of common and consistent definitions and standardized formats to collect, collate, and analyze patient safety events occurring within and across healthcare providers. AHRQ developed the Common Formats—a standardized method for collection and compilation of information about patient safety events occurring in the United States, including Serious Reportable Events—to operationalize those provisions of the Act.

To ensure the Common Formats are feasible for use in the field, AHRQ has contracted with NQF to implement a process that ensures broad stakeholder input on new Common Formats modules developed by AHRQ. Having collected comments in previous years, NQF is now tasked with collecting comments on methods for further refining the Common Formats. A commenting tool will be available to stakeholders in 2014 pending a launch date decision from AHRQ.

Work Related to Facilitating eMeasurement

Developed by NQF, the Quality Data Model (QDM) is an "information model" that provides a way to describe clinical concepts (for example, medications ordered or dispensed for patients with coronary artery disease) in a structured and standard format that can be interpreted by clinical information systems. The QDM is also a key component in the development of electronic clinical quality measures, in that it provides the basic logic to articulate quality measure criteria. For several years, NQF has worked with HHS to further develop and refine the QDM. NQF has now worked with QDM stakeholders to transition the development and maintenance of the QDM to a Federally Funded Research and Development Center (FFRDC). In preparation, NQF hosted four webinars that provided guidance and updates throughout the transition, which was completed in December 2013.

IV. Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities

Measure Applications Partnership

Under section 1890A of the Act, HHS is required to establish a pre-rulemaking process under which a consensus-based entity (currently NQF) would convene multi-stakeholder groups to provide input to the Secretary on the selection of quality and efficiency measures for use in certain federal programs. The list of quality and efficiency measures HHS is considering for selection is to be publicly published no later than December 1 of each year. No later than February 1 of each year, NQF is to report the input of the multi-stakeholder groups, which will be considered by HHS in the selection of quality and efficiency measures.

The Measure Applications Partnership (MAP) is a public-private partnership convened by NQF, as mandated by the ACA (Pub. L. 111–148, section 3014). The MAP was created to provide input to HHS on the selection of performance measures for more than twenty federal public reporting and performance-based payment programs. Launched in the spring of 2011, the

MAP is composed of representatives from more than 60 major private-sector stakeholder organizations, nine federal agencies, and 40 individual technical experts. For detailed information regarding the MAP representatives, criteria for selection on the MAP and length of their service, please see the appendices.

The MAP is an innovation in the regulatory sphere; it provides a forum to get the private and public sectors on the same page with respect to use of measures to enhance healthcare value. In addition, the MAP is an interactive and inclusive vehicle by which the federal government can solicit critical feedback from stakeholders—particularly consumers and purchasers—regarding measures used in federal public reporting and payment programs. This approach augments traditional rulemaking, allowing the opportunity for substantive input to HHS in advance of rules being issued. Additionally, the MAP provides a unique opportunity for public- and private-sector leaders to develop and then broadly review and comment on a future-focused performance measurement strategy, as well as provide shorter-term recommendations for that strategy on an annual basis. The MAP strives to offer recommendations that apply to and are coordinated across settings of care; federal, state, and private programs; levels of attribution and measurement analysis; payer type; and points in time.

In 2013, the MAP took on several diverse tasks focused on recommending measures for federal public reporting and payment programs, developing "families of measures" (groups of measures selected to work together across settings of care in pursuit of specific healthcare improvement goals) for high-priority areas, and providing input on measures for vulnerable populations, including dual Medicare-Medicaid enrollees and adults enrolled in Medicaid. Specifically:

2013 Pre-Rulemaking Input

On December 1, 2012, the MAP received and began reviewing a list of more than 500 measures under consideration by HHS for use in more than twenty Medicare programs covering clinician, hospital, and post-acute care/long-term care settings. *The MAP Pre-Rulemaking Report: 2013 Recommendations on Measures Under Consideration by HHS*[20] represents the MAP's second annual round of input regarding performance measures under consideration for use in federal programs.

In this pre-rulemaking *2013 report*[21] the MAP recommended to HHS inclusion of 141 measures within 20-plus Medicare programs and supported the direction of another 166 measures. The MAP's "support direction" recommendations are contingent on further development, testing, and/or endorsement. The MAP did not support 165 measures under consideration. Further, the MAP recommended phased removal of 64 measures, and retirement of an additional six measures.

The MAP Clinician and Hospital Workgroups developed guiding principles to facilitate their decisions about the application of measures to specific programs rather than offering recommendations on individual measures. The guiding principles (included in the *appendix*[22] of the final report) are not absolute rules, and are intended to complement statutory and regulatory requirements and the broader MAP Measure Selection Criteria. Workgroup members, including Centers for Medicare & Medicaid Services (CMS) representatives, found the principles to be valuable for thinking through measure selection for specific programs while also accounting for the inter-relationships among the programs.

In its 2013 pre-rulemaking report, the MAP noted several themes for future consideration that emerged across all 20 Medicare programs during the pre-rulemaking cycle including:

- System-level measurement (e.g., at the level of health plans, accountable care organizations, integrated delivery systems) can be a catalyst for comprehensively assessing care across settings and populations and addressing all aspects of the NQS three-part aim: Better Care; Healthy People/Healthy Communities; and Affordable Care.
- As program incentive structures evolve from pay-for-reporting to pay-for-performance, it is increasingly important that performance measures meet high standards for validity and reliability so that providers are not misclassified.
- Shared accountability for healthcare delivery and engagement of community and social supports systems is needed to address diverse needs and fragmented care, particularly of vulnerable populations.
- To capture the value of healthcare services provided, measures of clinical quality, particularly outcomes, should be linked to cost measures. All stakeholders should be cognizant of the costs of care.

2014 Pre-Rulemaking Input

The MAP also began work on the 2014 Pre-Rulemaking Report. In December 2013, the four MAP work groups—Clinician, Dual Eligible Beneficiaries, Hospital, and Post-Acute Care/Long-Term Care—met individually to review and provide input to the MAP Coordinating Committee on measure sets for use in federal programs addressing their respective populations. A final report and recommendations on measures will be issued in 2014.

Families of Measures: Affordability, Person- and Family-Centered Care, and Population Health

In 2013, HHS again tasked the MAP to identify new families of measures—groups of measures selected to work together across settings of care in pursuit of specific healthcare improvement goals—in three high-priority areas that relate to NQS priorities: Affordability, person- and family-centered care, and population health. The Affordability Task Force has since been formed, and members are now working to develop consensus-based definitions of affordability. NQF also held a public comment period in November 2013 soliciting input on how to define affordability, as well as on what is most important to measure. In 2014, the MAP will finalize Task Forces for the Person- and Family-Centered Care and Population Health topics, and begin identifying appropriate measures.

Family of Measures for Dual Eligible Beneficiaries: Preliminary Findings From the MAP Dual Eligible Beneficiaries Workgroup

Efforts to better integrate care for Medicare-Medicaid enrollees have gained significant momentum since the Secretary established the Federal Coordinated Health Care Office (Medicare-Medicaid Coordination Office) as required by the Affordable Care Act. Generally, Medicare-Medicaid enrollees are people who are enrolled in both Medicare and Medicaid and are sometimes referred to as "dual eligibles." The selection and use of appropriate measures are critical to satisfy the need for information about beneficiary experience for this group. Beginning in 2011, HHS charged the MAP with providing input on the use of performance measures to assess and improve the quality of care delivered to Medicare-Medicaid enrollees. The MAP has continued to explore this topic and has completed a series of reports to HHS that present sets of available measures appropriate for use in this population.

In July 2013, the MAP issued a report that recommended a family of measures for Medicare-Medicaid enrollees and included a discussion of the issues in quality measurement for individuals

with behavioral health conditions. Both public and private sector measure users could reference and implement this family, leading to more consistent information that helps healthcare performance measure to be more transparent and easier to interpret.

The MAP Dual Eligible Beneficiaries Workgroup considered the following properties when assessing an identified measure's appropriateness for inclusion in the family.

- NQF endorsement: Include NQF-endorsed® measures because they have met criteria for importance, scientific rigor, feasibility, and usability.
- Potential impact: Include measures with the most power to improve health, such as outcome measures, composite measures, and cross-cutting measures broadly defined to include a large denominator population.
- Improvability: Include measures that target areas in which quality improvement would be expected to have a substantial effect or address health risks and conditions known to have disparities in care.
- Relevance: Include measures that address health risks and conditions that are highly prevalent, severe, costly, or otherwise particularly burdensome for the dual eligible population.
- Person-centeredness: Include measures that are meaningful and important to consumers, such as those that focus on engagement, experience, or other individually-reported outcomes. Person-centered care emphasizes access, choice, self-determination, and community integration.
- Alignment: Include measures already reported for existing measurement programs to minimize participants' data collection and reporting burden. Consistent use of measures helps to synchronize public- and private-sector programs around the National Quality Strategy and to amplify the quality signal.
- Reach: Include measures relevant to a range of care settings, provider types, and levels of analysis.

A measure did not need to fulfill all of the properties to be selected. However, to be considered comprehensive, the family of measures should encompass all of these characteristics because they are particularly important for achieving good results within the Medicare-Medicaid enrollee population. Stakeholders planning quality measurement programs can apply the properties to other measure sets to evaluate whether a measure would be appropriate for their use and general alignment with MAP principles.

To compile the family of measures, the workgroup considered the universe of measures previously identified by the MAP for use in the general Medicare-Medicaid enrollee population or one of its high-need subgroups. The Workgroup also reviewed a small number of newly developed measures not previously selected. From a starting point of 97 possible measures, the Workgroup conducted multiple rounds of prioritization and ultimately selected 55 measures for inclusion in the family. Of these measures, 51 are currently endorsed by NQF and four have been submitted for endorsement in NQF's current consensus development project for behavioral health.

Identification of Quality Measures for Medicare-Medicaid Enrollees and Adults Enrolled in Medicaid

HHS also asked NQF to convene a multi-stakeholder group via the MAP to continue addressing measurement topics related to Medicare-Medicaid enrollees and make annual refinements to the previously published Family of Measures. NQF will also evaluate opportunities to improve alignment and reduce burden associated with overlapping state and federal measurement requirements.

In addition, HHS asked that the MAP provide annual input on the Initial Core Set of Health Care Quality Measures for Adults Enrolled in Medicaid. The first part of this work, completed in 2013, was informed by direct feedback from state Medicaid directors and other stakeholders. In October 2013, NQF submitted a final report to HHS which detailed the MAP's findings of an expedited review of the Initial Core Set of Measures as well as public comment on the findings.

Since these tasks were awarded, the MAP Dual Eligible Beneficiaries Workgroup has met to discuss measuring quality of life, and NQF has delivered the first of three quarterly memos to HHS focused on strategic issues. NQF staff have also been involved in convening activities across the other MAP Workgroups—Clinician, Hospital, and Post-Acute Care/Long-Term Care—during pre-rulemaking deliberations to ensure all activities related to these populations remain coordinated.

V. Gaps in Endorsed Quality and Efficiency Measures and Evidence and Targeted Research Needs

Under section 1890(b)(5)(iv) of the Act, the entity is required to describe gaps in endorsed quality and efficiency measures, including measures within priority areas identified by HHS under the agency's National Quality Strategy, and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps. Under section 1890(b)(5)(v) of the Act, the entity is also required to describe areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy and where targeted research may address such gaps.

Report From the National Quality Forum: 2012 NQF Measure Gap Analysis

In February of 2013, NQF completed the *2012 Measure Gap Analysis Report*[23] which aimed to provide guidance about where measures do and do not exist to help achieve the nation's quality goals. This report revealed that discussions of measure gaps remain at a high conceptual level, and that more specificity—ideally through a multi-stakeholder prioritization process—is needed. While measures currently used in the field may address high-priority gap areas, a full assessment of their applicability and appropriateness was beyond the scope of this project. Existing measures that address identified gaps should be brought forth for NQF endorsement to assess their importance, scientific reliability and validity, usability, and feasibility before any assessment of value or recommendations for use are made. The final report discusses in detail measure gaps identified, presented through the lens of the NQS triple aim: Better care, healthy people/healthy communities, and accessible and affordable care. The identified gaps across these three aims were:

- Better care: Patient-reported outcomes; patient-centered care and shared decision-making; care coordination and care transitions; and care for vulnerable populations;
- Healthy people/healthy communities: Health and well-being; preventive care; and childhood measures; and
- Accessible and affordable care: Access to care; healthcare affordability, and waste and overuse.

MAP Pre-Rulemaking Input Related to Gap Filling

NQF continued in 2013 to address the need to fill measurement gaps to build on and supplement the analytic work that informed the above 2012 Measure Gap Analysis Report. NQF, through both the MAP and its expert endorsement committees, took initial steps to encourage gap-filling by moving toward

prioritization of gap areas, offering more detailed suggestions for measure development, and involving measure developers in discussions about gaps. However, much work remains to be done by measure developers, NQF and many other entities to accelerate closing the gaps.

During the MAP's pre-rulemaking review of proposed measures submitted by HHS in December of 2012, the areas on the MAP's list of previously identified gaps were validated with some additional detail and nuances. For instance, the Clinician Workgroup indicated that measures need to reflect a more diverse set of outpatient conditions; the group struggled to find available measures that adequately balance issues under the control of individual clinicians versus the larger health system. Public commenters generally agreed with the gap areas identified on the NQF list, including gaps in:

- Safety: Healthcare-associated infections, medication safety, perioperative/procedural safety, pain management, venous thromboembolism, falls and mobility, and obstetric adverse events;
- Patient and family engagement: Person-centered communication, shared decision making and care planning, advanced illness care, and patient-reported measures;
- Healthy living;
- Care coordination: Communication, care transitions, system and infrastructure support, and avoidable admissions and readmissions;
- Affordability; and
- Prevention and treatment of leading causes of mortality: Primary and secondary prevention, cancer, cardiovascular conditions, depression, diabetes, and musculoskeletal conditions.

Multiple organizations also conveyed a need for better measures on diverse topics including care coordination, functional status, medication management, and palliative care. Some public commenters offered specific recommendations for additional priority gap areas, such as prevention and treatment of osteoporosis, and made suggestions for updates to the list of previously identified gaps.

Despite the relatively large number of measures under consideration by the MAP, stakeholders indicated that many measure gaps remain. In general, the types of gaps raised were consistent with those that the MAP has previously identified, and include a need for more outcome measures; measures for discrete populations, such as children and the underserved; measures that are not specified at the desired level of analysis and/or setting;[24] measures that go beyond a "checkbox" approach to assess whether high standards of care are being met; a lack of composite measures for multifaceted topics; and a relative dearth of measures addressing certain specialty areas, such as mental and behavioral health. Each of the NQS priority areas remains affected to some degree by persistent measure gaps.

MAP members expressed strong support for NQF playing a coordination role in gap-filling and working closely with measure developers early in the development process, rather than only as "referee" during endorsement, while guarding against involvement in measure development. One theme from MAP discussions identified a collective need to better understand the development pipeline and the cost of stewarding a measure to assess barriers to measure development. Subsequent discussion touched on the need to create a business case for measure development. Another theme was the lack of shared knowledge about which measure developers are already working on certain topics which can lead to duplicative efforts and inefficient use of resources.

In an effort to address these issues, NQF has launched a Measure Inventory Pipeline, which is a virtual space for developers to share information on measure development activities. The Pipeline can display data on current and planned measure development, and allows developers to share successes and challenges. The Pipeline can also help developers connect and collaborate with their peers on development ideas, which in turn will promote harmonization and alignment of measures. This Pipeline will supplement CMS' existing Measure Pipeline and allow developers to more broadly share information with their peers across public and private supported development effort.

Public commenters broadly supported NQF's initiatives to make progress on gap-filling. Some public commenters offered recommendations for new directions to take in measure development, such as making better use of alternate data sources and increasing research in important areas where evidence is limited. Several organizations stated an explicit desire to assist NQF in its ongoing efforts to address measure gaps.

With respect to MAP 2014 Pre-Rulemaking advice, early review and discussion by MAP committees of more than 230 proposed measures in December of 2013 showed that a significant proportion of measures under HHS consideration related to efficiency and cost reduction, corresponding to the NQS priority of making care more affordable. A relatively small number of measures under consideration addressed person- and family-centered experience and community/population health, essential priorities that are underrepresented in terms of quantity of current measures. In contrast, the greatest proportion of measures addresses the priority area of effective clinical care, which are the largest number of measures in NQF's portfolio.

Priority Setting for Health Care Performance Measurement: Addressing Performance Gaps in Priority Areas

In an effort to get more specific and detailed guidance to developers with respect to key measurement gap areas, HHS requested in 2013 that NQF recommend priorities for performance measurement development across five topics areas specified by HHS, including:

- Adult Immunization—identifying critical areas for performance measurement to optimize vaccination rates and outcomes across adult populations;
- Alzheimer's Disease and Related Dementias—targeting a high-impact condition with complex medical and social implications that impact patients, their families, and their caregivers;
- Care Coordination—focusing on team-based care and coordination between providers of primary care and community-based services in the context of the "health neighborhood";
- Health Workforce—emphasizing the role of the workforce in prevention and care coordination, linkages between healthcare and community-based services, and workforce deployment; and
- Person-Centered Care and Outcomes—considering measures that are most important to patients—particularly patient-reported outcomes—and how to advance them through health information technology.

To-date, NQF has finalized topic-specific committees, who are tasked with reviewing the evidence base and existing measures to identify opportunities for using performance measurement to improve health and healthcare, and to reduce disparities, costs, and measurement burden. In December 2013, four of the five committees submitted draft conceptual frameworks and environmental scans of measures to HHS, which are described in more detail below.

Adult Immunization

The Adult Immunization committee—with the help of an advisory group—outlined a draft framework that builds on concepts identified by the Quality and Performance Measures Workgroup of the HHS Interagency Adult Immunization Task Force. The draft framework also seeks to illustrate measure gaps in specific age bands and special populations including young adults, pregnant women, the elderly and adults overall. During an October 2013 meeting, the committee made several suggestions for improving the framework, including the need to:

- Clarify all terms and include definitions;
- Include all special populations from the immunization schedule;
- Separate immunization of healthcare personnel from other populations;
- Include measures for Immunization Information systems (IIS); and
- Include measures from the Meaningful Use program.

The draft framework's accompanying environmental scan discovered 225 relevant measures addressing adult immunization, many of which are concentrated in a few areas, such as influenza and pneumococcal immunization. In addition, the majority of vaccine measures are process measures (69 percent), and outcome measures are primarily only at the population, not provider, level.

The committee will meet in early 2014 to provide further input into the conceptual framework, and again in March 2014 to develop recommendations on measures and measure concepts that can be further developed as performance measures. The committee will also be tasked with making recommendations that foster harmonization and alignment of measures.

Care Coordination

The Care Coordination committee developed a draft conceptual framework that builds on work from the Agency for Healthcare Research and Quality's *Care Coordination Measures Atlas* and their Clinical-Community Relationship Measurement concept. The draft framework's accompanying environmental scan identified a total of 363 measures related to care coordination. While the scan produced a significant number of measures relating to the general concept of care coordination, very few describe ongoing interactions between primary care and community-based service providers to support improved health and quality of life. In general, currently available measures are either too narrowly or too broadly designed to be actionable by providers of primary care. Further, no available measures directly apply to providers of community services.

This committee will meet in early 2014 to further refine the conceptual framework, and consider options for addressing measure gaps that draw on promising practices for care coordination with respect to the following questions:

- What are the most important care coordination measurement domains at the interest of primary care and community services?
- How much reliance is appropriate to place on care recipients and caregivers to serve as the coordinators between the medical and non-medical systems?
- Should shared decision-making be added as a domain in the care coordination framework and if so how does this relate to care planning?
- What are direct outcomes of care coordination (e.g., improved patient/family experience)?
- To what other outcomes does care coordination contribute (e.g., improved health status, progress toward the NQS)?

Health Workforce

Achieving the National Quality Strategy's aims of better care, affordable care, and healthy people/healthy communities will require an adequate supply and distribution of a well-trained workforce. Therefore, in consultation with HHS and with input from advisory members, NQF developed a draft conceptual framework for measurement that captures elements necessary for successful and measureable workforce deployment. The draft framework builds on existing resources and frameworks, including NQF's *Multiple Chronic Condition Framework,* the Agency for Healthcare Research and Quality's (AHRQ) *Clinical-Community Relationships Measures Atlas* and *Care Coordination Measures Atlas,* and the Institute of Medicine's (IOM) *Health Professions Education: A Bridge to Quality.* It also includes definitions of key importance to this work, including workforce, primary care, care coordination, and health. Furthermore, the framework seeks to encompass measurement across the life-span and for measurement opportunities beyond clinical settings.

More than 200 measures were identified in the environmental scan as potential health workforce measures. Large sets of measures were found related to training and development, mostly related to professional educational programs and the number of graduates in specific health professions. Although many measures of patient and family experience of care related to workforce performance were identified, few measures capturing workforce experience were found. Workforce capacity and productivity measures proved to have a substantial presence, especially those related to geographical distribution and skill mix. A significant number of measures related to infrastructure were also identified, a majority of which were specifically focused on the ability to use HIT to provide care and patient access to primary prevention services.

The health workforce committee will meet again in early 2014 to further refine the framework, consider high-priority opportunities for measure development and endorsement, and discuss promising measures, measure concepts and remaining gaps in critical measurement areas.

Person-Centered Care and Outcomes

The Person-Centered Care and Outcomes committee also outlined a draft conceptual framework that offered a definition for and core concepts of person- and family-centered care that was influenced by previous work from the Institute for Patient- and Family-Centered Care and the Institute of Medicine:

> Patient- and family-centered care is an approach to the planning, delivery, and evaluation of health care that is grounded in mutually beneficial partnerships among health care providers, patients, and families. The core concepts include respect and dignity, information sharing, participation, and collaboration.

The project's environmental scan identified 803 measures as broadly relevant, touching on topics such as patient experience with care, health-related quality of life, and symptom and symptom burden. The majority of measures fell under the domain of patient experience, covering a variety of care settings and types of care, as well as disease-specific populations. Many of the health related quality of life and symptom and symptom burden measures identified may be better classified as indicators of treatment effectiveness, which the committee will consider when they meet again in early 2014. The committee will also develop a vision of the ideal state or "North Star" of person-centered care, and identify how best to measure performance and progress in the delivery of person-centered care against this vision.

Alzheimer's Disease and Related Dementias

HHS requested that the Alzheimer's disease and Related Dementias committee begin work on a draft conceptual framework and environmental scan after the previously mentioned committees—especially the care coordination and person-centered care and outcomes committees—compiled their findings. This request was made so that the Alzheimer's disease and Related Dementias committee could incorporate the findings from these two committees into their own work product. As a result, a draft conceptual framework and environmental scan will be completed in February 2014.

Identifying Other Measure Gaps

NQF identified additional high-priority measure gaps through other work by MAP and NQF's endorsement and maintenance work. More specifically, the Dual Eligible Beneficiaries Workgroup providing greater specificity to measure developers and funders, and identified the following list of gaps:

- Goal-directed, person-centered care planning and implementation
- Shared decision-making
- Systems to coordinate healthcare with non-medical community resources and service providers
- Beneficiary sense of control/autonomy/self-determination
- Psychosocial needs
- Community integration/inclusion and participation
- Optimal functioning (e.g., improving when possible, maintaining, managing decline)

Importantly, this list reflects the MAP's vision for high-quality care for Medicare-Medicaid enrollees, which has been articulated in previous reports. Identification of these gaps supports a philosophy about health that broadly accounts for individuals' health outcomes, personal wellness, social determinants (e.g., housing, transportation, access to community resources), and desire for a more cohesive system of care delivery. Many gaps are long-standing, which underscores both the importance of non-medical supports and services in contributing to improved healthcare quality and the difficulty of quantifying and measuring these factors as indicators of performance.

Specifically, the MAP recommends for future measure development continuing a focus on topics that are meaningful to consumers, such as individual engagement, experience, and outcomes. In addition, the MAP emphasizes the need for cross-cutting measures that apply to care and supports at all levels to promote shared accountability and collaboration. Measures should incorporate information from patients receiving services, providers, health plans, other accountable entities, and/or states. Several measure gap areas are prioritized here for the first time, including psychosocial needs, shared decision-making, and community integration/inclusion and participation. The MAP will continue to communicate with measure developers and other stakeholders positioned to help fill measurement gaps.

Although the MAP's work to-date on measure gaps—including the pre-rulemaking efforts and input from specific workgroups—is starting to bear fruit, persistent gaps across sectors, such as care coordination and patient experience, continue to frustrate measurement efforts. Many factors contribute to influence these gaps which are outside of the MAP's control, such as the lack of an information technology structure to facilitate care coordination, and challenges associated with collecting patient experience data at the clinician level. However, the MAP, in coordination with NQF's larger initiatives, will continue to try and influence ongoing progress in filling measure gaps through its specific recommendations and by enhanced collaboration with other stakeholders.

Gaps are also routinely identified as an outgrowth of NQF's annual endorsement and maintenance process. Specific measure gaps identified through 2013 work, by topic area, include:

Infectious Disease

- Measures addressing patient outcomes;
- Additional measures dealing with HIV/AIDS, including testing for individuals ages 13–64; colposcopy screening for HIV-positive women who have abnormal Pap test results; resistance testing for persons newly enrolled in HIV care with viral loads greater than 1000; and HIV testing for pregnant women on initial visits;
- Process and outcome measures that evaluate improvements in device-associated infections in hospital settings, particularly for catheter-associated urinary tract infections;
- Outcome measures that include follow-up for screening tests; and
- Screening for additional sexually transmitted infections, including human papillomavirus (HPV).

Neurology

- Palliative and end-of-life care measures for stroke patients;
- Functional status outcome measures, especially related to stroke severity;
- Measures that focus on patients with health disparities and disabilities;
- Pre-hospital care and emergency response measures; and
- Post-acute care and rehabilitation care measures.

Patient Safety

- Wound care measures, such as vascular screening for patients with leg ulcers, or adequate support surface for patients with stage III–IV pressure ulcers;
- Obstetric measures, such as induction and augmentation of labor, or outcomes of neonatal birth injury;
- Infection measures, such as vascular catheter infections;
- Equipment-related injury measures, such as monitoring of product-related events;
- Information technology measures, such as EHR programming related events;
- Physical mobility expectation measures for hospitalized adults;
- Measures that extend to settings outside of the hospital, such as nursing homes;
- Measures addressing falls across the care continuum and take into account patient assessments, plans of care, interventions, and outcomes; and
- Measures focused on complications linked to surgical site infections, including cesarean sections and outcomes.

Pulmonary/Critical Care

- Measures focused on in-hospital, severity adjusted, high mortality conditions such as 30-day mortality rates, readmissions, sepsis and acute respiratory distress syndrome (ARDS);
- Measures for earlier identification of sepsis at the compensated stage before it becomes decompensated septic shock and appropriate resuscitative measures;
- Measures of efficiency and overutilization;
- Measures that focus on palliative care for patients with end-stage pulmonary conditions;
- Better measures of comprehensive asthma education; e.g., instruction related to the appropriate application of handheld inhalers prior to discharge and demonstration of use;
- Measures of unplanned pediatric extubations;
- Measures for effectiveness and outcomes of post-acute care for COPD patients;

- Measures of functional status;
- Measures for quality of spirometries in relation to meeting the American Thoracic Society (ATS) standards for pediatric and adult patients; and
- More outpatient composite measures targeted for consumer use.

VI. Conclusion

NQF has evolved in the dozen plus years it has been in existence and since it endorsed its first performance measures more than a decade ago. While its focus on improving quality, enhancing safety, and reducing costs by endorsing performance measures has remained a constant, NQF recognizes the importance of getting the various stakeholder groups to align with respect to their use of performance measures and related improvement efforts. Experience has made it clear that sector-by-sector approaches to enhancing healthcare performance are ineffective in our decentralized and complex healthcare system. They waste precious healthcare resources introduce wasteful redundancy and reporting burden and may even do harm.

With funding from HHS, NQF tackled several critical issues affecting healthcare quality and safety in 2013 that helped advance the aims and priorities of the National Quality Strategy. New projects explored how to improve population health within communities; how consumers can leverage quality information to make informed healthcare coverage decisions; and how to dramatically improve patient safety in high-priority areas.

In addition, NQF laid the foundation for the next generation of measures by providing guidance on composite measurement; patient-reported outcome measures; electronic, or eMeasures; and measures that evaluate complex but important areas such as resource use and population health.

Finally, the NQF-convened MAP focused on an array of projects, including recommending measures for federal public reporting and payment programs, developing "families of measures" (groups of measures selected to work together across settings of care in pursuit of specific healthcare improvement goals) for high-priority areas, and providing input on measures for vulnerable populations, including Medicare-Medicaid enrollees and adults enrolled in Medicaid.

NQF will build on this work in the year ahead to help build a measure portfolio that drives the healthcare system to both delivering higher value healthcare at lower cost while incorporating the needs and preferences of patients, payers, and purchasers and ultimately improving patient and community health.

Appendix A: 2013 Activities Performed Under Contract With HHS

Description	Output	Status (as of 12/31/2013)	Notes/scheduled or actual completion date
1. Recommendations on the National Quality Strategy and Priorities			
Multi-stakeholder input on a National Priority: Improving Population Health by Working with Communities.	A common framework that offers guidance on strategies for improving population health within communities.	In progress.	
Multi-stakeholder input into the Quality Rating System.	Review and input into core measures and organization of information for the Health Insurance Exchange Quality Rating System.	In progress.	
Multi-stakeholder Action Pathway Model in Support of the Partnership for Patients (PfP) Initiative.	Quarterly reports and meetings detailing progress of three action teams addressing maternity care, readmissions, and patient and family engagement.	In progress.	
2. Quality and Efficiency Measurement Initiatives			
Pulmonary/critical care measures and maintenance review.	Project to endorse new pulmonary/critical-care measures, and conduct maintenance on existing NQF-endorsed measures.	Completed	36 total measures endorsed by March 2013.
Patient safety measures	Set of endorsed measures for patient safety.	Completed	Phase 2 endorsed two measures in January 2013.
Behavioral health measures and maintenance review.	Set of endorsed measures for behavioral health.	Phase 2 in progress.	Phase 2 is considering 24 measures for endorsement in January 2014.
Neurology measures and maintenance review.	Set of endorsed measures for neurology.	Completed	Phase 2 endorsed five measures addressing stroke treatment in March 2013.
Infectious disease measures and maintenance review.	Set of endorsed infectious disease measures.	Completed	16 measures endorsed by March 2013.
Review of time-limited endorsement measures.	Fully endorsed measures after completed testing results are reviewed.	Completed	Four measures were fully endorsed in April 2013.
Measure maintenance	Review of endorsed measures every three years against newly submitted measures.	Ongoing.	
eMeasure feasibility testing	Review the current state of feasibility assessment for eMeasures and identify a set of principles, recommendations, and criteria for adequate feasibility assessment.	Completed	Final report completed April 2013.

Description	Output	Status (as of 12/31/2013)	Notes/scheduled or actual completion date
Composite evaluation guidance	Reassess NQF's existing guidance for evaluating composites, with particular consideration of recent changes in composite measure development and related methodology.	Completed	Final report completed April 2013.
Readmissions and all-cause admissions and readmissions measures and maintenance review.	Set of endorsed measures for admissions and readmissions.	In progress.	
Cost and resource use measures	Set of endorsed measures for cost and resource use.	In progress	Phase 1 endorsed 1 new measure in December 2013.
Cardiovascular measures and maintenance review.	Set of endorsed measures for cardiovascular conditions.	In progress.	
Behavioral health	Set of endorsed measures for behavioral health.	In progress.	
Endocrine measures and maintenance review.	Set of endorsed measures for endocrine conditions.	In progress.	
Health and well-being measures and maintenance review.	Set of endorsed measures for health and well-being.	In progress.	
Patient safety measures and maintenance review.	Set of endorsed measures for patient safety.	In progress.	
Care coordination measures and maintenance review.	Set of endorsed measures for care coordination.	In progress.	
Musculoskeletal measures and maintenance review.	Set of endorsed measures for musculoskeletal conditions.	In progress.	
Person- and family-centered care measures and maintenance review.	Set of endorsed measures for person- and family-centered care.	In progress.	
Surgery measures and maintenance review.	Set of endorsed measures for surgery	In progress.	
Episode grouper criteria	Report examining necessary submission elements for evaluation, as well as best practices for episode grouper construction.	In progress.	
Common formats for patient safety data	A set of comments and advice for further refining additional modules for the Common Formats, an AHRQ-based initiative that helps standardize electronic reporting of patient safety event data.	In progress.	
Transition of the Quality Data Model (QDM).	Successfully transition the QDM maintenance to MITRE Corporation.	Completed	Federally-funded research development center now fully responsible for the QDM.
3. Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities			
Recommendations for measures to be implemented through the federal rulemaking process for public reporting and payment.	Measure Applications Partnership Pre-Rulemaking Report: Input on Measures Under Consideration by HHS for 2013 Rulemaking.	Completed	Completed February 2013.
Recommendations for measures to be implemented through the federal rulemaking process for public reporting and payment.	Measure Applications Partnership Pre-Rulemaking Report: Input on Measures Under Consideration by HHS for 2014 Rulemaking.	In progress.	
Synthesizing Evidence and Convening Key Stakeholders to Make Recommendations on Families of Measures and Risk Adjustment.	New families of measures covering affordability, population health, and person- and family-centered care. Also a final set of recommendations focused on risk adjustment for resource use performance measures.	In progress.	
Identification of Quality Measures for Dual-Eligible Medicare-Medicaid Enrollees and Adults Enrolled in Medicaid.	Annual input on the Initial Core Set of Health Care Quality Measures for Adults Enrolled in Medicaid, and additional refinements to previously published Families of Measures.	In progress.	
4. Gaps in Endorsed Quality and Efficiency Measures			
Gaps report	A report identifying gaps in endorsed quality measures, including measures within the National Quality Strategy priority areas.	Completed	Final report completed February 2013.
5. Gaps in Evidence and Targeted Research Needs			

Description	Output	Status (as of 12/31/2013)	Notes/scheduled or actual completion date
Priority Setting for Health Care Performance Measurement: Addressing Performance Measure Gaps in Priority Areas.	Recommended sets of priorities for performance improvement in five topic areas: Adult immunizations; Alzheimer's disease and related dementias; care coordination; health workforce; and person-centered care and outcomes.	In progress.	
Gaps report	A report identifying gaps in endorsed quality measures, including measures within the National Quality Strategy priority areas.	Completed	Final report completed March 2013.

Appendix B: Measure Evaluation Criteria

Measures are evaluated for their suitability based on standardized criteria in the following order:

1. Importance to Measure and Report: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#importance*
2. Scientific Acceptability of Measure Properties: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#scientific*
3. Feasibility: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#feasibility*
4. Usability and Use: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#usability*
5. Related and Competing Measures: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#comparison*

More information is available on the NQF Web site at: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#1_2.*

Appendix C: Federal Public Reporting and Performance-Based Payment Programs Considered by MAP

End Stage Renal Disease Quality Improvement Program
Home Health Quality Reporting
Hospice Quality Reporting
Inpatient Rehabilitation Facility Quality Reporting
Long-Term Care Hospital Quality Reporting
Ambulatory Surgical Center Quality Reporting
Hospital Acquired Condition Payment Reduction (ACA 3008)
Hospital Inpatient Quality Reporting
Hospital Outpatient Quality Reporting
Hospital Readmission Reduction Program
Hospital Value-Based Purchasing
Inpatient Psychiatric Facility Quality Reporting
Prospective Payment System (PPS) Exempt Cancer Hospital Quality Reporting
Medicare and Medicaid EHR Incentive Program for Hospitals and CAHs
Medicare and Medicaid EHR Incentive Program for Eligible Professionals
Medicare Shared Savings Program
Medicare Physician Quality Reporting System (PQRS)
Physician Feedback/Quality and Resource Utilization Reports
Physician Value Based Payment Modifier
Physician Compare

Appendix D: MAP Structure, Members, and Criteria for Service

The MAP operates through a two-tiered structure. Guided by the priorities and goals of HHS's National Quality Strategy, the MAP Coordinating Committee provides direction and direct input to HHS. MAP's workgroups advise the Coordinating Committee on measures needed for specific care settings, care providers, and patient populations. Time-limited task forces charged with developing "families of measures"—related measures that cross settings and populations—provide further information to the MAP Coordinating Committee and workgroups. Each multi-stakeholder group includes individuals with content expertise and organizations particularly affected by the work.

The MAP's members are selected based on NQF Board-adopted selection criteria, through an annual nominations process and an open public commenting period. Balance among stakeholder groups is paramount. Due to the complexity of MAP's tasks, individual subject matter experts are included in the groups. Federal government ex *officio* members are non-voting because federal officials cannot advise themselves. MAP members serve staggered three-year terms.

MAP Members

- Coordinating Committee: *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=49410*
- Clinician Workgroup: *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=56141*
- Dual Eligible Beneficiaries Workgroup: *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=56142*
- Hospital Workgroup: *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=56143*
- Post-Acute Care/Long-Term Care Workgroup: *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=56140*

[1] Throughout this report, the relevant statutory language appears in italicized text.

[2] *http://www.ahrq.gov/workingforquality/nqs/nqs2011annlrpt.pdf.*

[3] *http://www.ahrq.gov/workingforquality/nqs/nqs2011annlrpt.pdf.*

[4] *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=74553.*

[5] *http://partnershipforpatients.cms.gov/.*

[6] NQF steering committees are comparable to the expert advisory committees typically convened by federal agencies.

[7] Reserve status measures are reliable, valid measures that have overall high levels of performance with little variability and retain endorsement, so that performance may be monitored in the future to ensure performance does not decline.

[8] American Lung Association. Available at *http://www.lungusa.org/assets/documents/publications/lung-disease-data/solddc_2010.pdf.* Last accessed October 2011.

[9] Centers for Disease Control. Available at *http://www.cdc.gov/aging/aginginfo/alzheimers.htm.* Last accessed February 2012.

[10] American Health Assistance Foundation. Available at *http://www.ahaf.org/alzheimers/about/understanding/facts.html.* Last accessed February 2012.

[11] Centers for Disease Control. Available at *http://www.cdc.gov/aging/aginginfo/alzheimers.htm.* Last accessed February 2012.

[12] Centers for Disease Control. Available at *www.cdc.gov/epilepsy/basics/fast_facts.htm.* Last accessed February 2012.

[13] Parkinson's Disease Foundation. Available at *www.pdf.org/en/parkinson_statistics.* Last accessed February 2012.

[14] Christensen KL, Holman RC, Steiner CA, et al. Infectious disease hospitalizations in the United States. *Clin Infect Dis,* 2009;49(7):1025–1035.

[15] Scott RD, The Direct Medical Costs of Healthcare-Associated Infections in U.S. Hospitals and the Benefits of Prevention, Division of Healthcare Quality Promotion, National Center for Preparedness, Detection, and Control of Infectious Diseases; Coordinating Center for Infectious Diseases, Centers for Disease Control and Prevention; March 2009.

[16] *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=73046.*

[17] *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=73039.*

[18] *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=73046.*

[19] *http://www.qualityforum.org/Qps/QpsTool.aspx.*

[20] *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=72738.*

[21] *http://www.qualityforum.org/Publications/2013/02/MAP_Pre-Rulemaking_Report_-_February_2013.aspx.*

[22] *http://www.qualityforum.org/Publications/2013/02/MAP_Pre-Rulemaking_Report_-_February_2013.aspx.*

[23] *http://www.qualityforum.org/Publications/2013/03/2012_NQF_Measure_Gap_Analysis.aspx.*

[24] e.g., Hospital Consumer Assessment of Healthcare Providers and Systems [HCAHPS] being tested only in the hospital inpatient setting, creating a gap in patient experience measurement in the hospital outpatient, ambulatory surgical center, and long-term care hospital settings.

III. Secretarial Comments on the 2014 Annual Report to Congress and the Secretary

This 2014 Annual Report to Congress and the Secretary describes NQF's work in 2013 to fulfill the requirements specified in section 1890 of the Social Security Act. Of particular interest to the Department, in 2013, NQF continued work initiated in 2010 to develop recommendations on the National Quality Strategy by convening diverse stakeholder groups to reach consensus on quality measurement priorities. NQF also began work in several priority areas that the National Quality Strategy addresses, such as improving population health within communities, improving patient safety in high-priority areas, and helping consumers leverage quality information to make informed healthcare coverage decisions—a critically important area as more people choose the health care coverage that is best for them through the health insurance marketplaces created by the Affordable Care Act.

We are also pleased that during the year, NQF furthered its work on performance measures by adding 27 measures to its portfolio. We note that although the number of measures endorsed in 2013 is significantly lower than in the preceding year, the meetings that were convened in 2013 to endorse measures took place as the initial four-year contract was ending. Under the new contract, NQF began to develop new measures candidates, but those did not reach the stage of endorsement review by the end of the year.

Moreover, in 2013, the Measure Applications Partnership (MAP), a public-private partnership convened by NQF: (1) Recommended measures for federal public reporting and payment programs; (2) developed "families of measures" for high-priority areas; and (3) provided input on measures for vulnerable populations, including Medicare-Medicaid enrollees and adults enrolled in Medicaid.

NQF also continued to address the need to fill measurement gaps in priority areas. Under the second contract, NQF began working with key stakeholders to make recommendations for performance measurement development in five priority topic areas: (1) Adult immunization; (2) Alzheimer's disease and related dementias; (3) care coordination; (4) health workforce; and (5) person-centered care and outcomes.

These and the other activities described in the 2014 Annual Report to Congress and the Secretary, published above, reflect the wide scope of work required for comprehensive, methodologically sound measurement of health care quality and continued improvement of health care in the United States. HHS thanks NQF for its insightful and informative work conducted in 2013.

IV. Future Steps

As previously noted, the work reflected in the 2014 Annual Report to Congress and the Secretary was produced under both HHS' initial four-year contract with the NQF which expired in July, 2013 and a subsequent, four-year contract. In 2014 and beyond, HHS will continue to work with the consensus-based entity and all stakeholders on ongoing measure endorsement and maintenance to continuously improve the set of measures available for widespread application. HHS will also work with NQF on more targeted and strategic issues such as measures regarding the quality of home and community-based care for people with disabilities, the use of information technology in quality measurement, and improving population health. All of these initiatives will help to fulfill the triple aims of the National Quality Strategy: Better health care, healthier people and communities, and more affordable care for all Americans.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

Dated: July 7, 2014.

Sylvia M. Burwell,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–16391 Filed 7–15–14; 8:45 a.m.]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0222]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; User Fee Waivers, Reductions, and Refunds for Drug and Biological Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 15, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0693. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

User Fee Waivers, Reductions, and Refunds for Drug and Biological Products (OMB Control Number 0910–0693)—Extension

The guidance provides recommendations for applicants planning to request waivers or reductions in user fees assessed under sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g and 21 U.S.C. 379h) (the FD&C Act). The guidance describes the types of waivers and reductions permitted under the user fee provisions of the FD&C Act, and the procedures for submitting requests for waivers or reductions. It also includes recommendations for submitting information for requests for reconsideration of denials of waiver or reduction requests, and for requests for appeals. The guidance also provides clarification on related issues such as user fee exemptions for orphan drugs.

We estimate that the total annual number of waiver requests submitted for all of these categories will be 120, submitted by 100 different sponsors. We estimate that the average burden hours for preparation of a submission will total 16 hours. Because FDA may request additional information from the applicant during the review period, we have also included in this estimate time to prepare any additional information.

The reconsideration and appeal requests are not addressed in the FD&C Act but are discussed in the guidance. We estimate that we will receive 3 requests for reconsideration annually,

and that the total average burden hours for a reconsideration request will be 24 hours. We estimate that we will receive 1 request annually for an appeal of a user fee waiver determination, and that the time needed to prepare an appeal would be approximately 12 hours. We have included in this estimate both the time needed to prepare the request for appeal and the time needed to create and send a copy of the request for an appeal to the Associate Director for Policy at the Center for Drug Evaluation and Research.

The burden for filling out and submitting Form FDA 3397 (Prescription Drug User Fee Coversheet) has not been included in the burden analysis, because that information collection is already approved under OMB control number 0910–0297. The collections of information associated with a new drug application or biologics license application have been approved under OMB control numbers 0910–0001 and 0910–0338, respectively.

We have included in the burden estimate the preparation and submission of application fee waivers for small businesses, because small businesses requesting a waiver must submit documentation to FDA on the number of their employees and must include the information that the application is the first human drug application, within the meaning of the FD&C Act, to be submitted to the Agency for approval. Because the Small Business Administration (SBA) makes the size determinations for FDA, small businesses must also submit information to the SBA. The submission of information to SBA is already approved under OMB control number 3245–0101.

In the **Federal Register** of March 4, 2014 (79 FR 12201), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received two comments. However, these comments did not address the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

User fee waivers, reductions, and refunds for drug and biological products	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
FD&C Act sections 735 and 736	100	1.2	120	16	1,920
Reconsideration Requests	3	1	3	24	72
Appeal Requests	1	1	1	12	12
Total					2,004

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 11, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–16709 Filed 7–15–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0062]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Exception From General Requirements for Informed Consent

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 15, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0586. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Exception From General Requirements for Informed Consent—(OMB Control Number 0910–0586)—Extension

In the **Federal Register** of June 7, 2006 (71 FR 32827), FDA issued an interim final rule to amend its regulations to establish a new exception from the general requirements for informed consent, to permit the use of investigational in vitro diagnostic devices to identify chemical, biological, radiological, or nuclear agents without informed consent in certain circumstances. The Agency took this action because it was concerned that, during a potential terrorism event or other potential public health emergency, delaying the testing of specimens to obtain informed consent may threaten the life of the subject. In many instances, there may also be others who have been exposed to, or who may be at risk of exposure to, a dangerous chemical, biological, radiological, or nuclear agent, thus necessitating identification of the agent as soon as possible. FDA created this exception to help ensure that individuals who may have been exposed to a chemical, biological, radiological, or nuclear agent are able to benefit from the timely use of the most appropriate diagnostic devices, including those that are investigational.

Section 50.23(e)(1) (21 CFR 50.23(e)(1)) provides an exception to the general rule that informed consent is required for the use of an investigational in vitro diagnostic device. This exception applies to those situations in which the in vitro investigational diagnostic device is used to prepare for, and respond to, a chemical, biological, radiological, or nuclear terrorism event or other public health emergency, if the investigator and an independent

licensed physician make the determination and later certify in writing that: (1) There is a life-threatening situation necessitating the use of the investigational device, (2) obtaining informed consent from the subject is not feasible because there was no way to predict the need to use the investigational device when the specimen was collected and there is not sufficient time to obtain consent from the subject or the subject's legally authorized representative, and (3) no satisfactory alternative device is available. Under the rule, these determinations are made before the device is used, and the written certifications are made within 5 working days after the use of the device. If use of the device is necessary to preserve the life of the subject and there is not sufficient time to obtain the determination of the independent licensed physician in advance of using the investigational device, § 50.23(e)(2) provides that the certifications must be made within 5 working days of use of the device. In either case, the certifications are submitted to the Institutional Review Board (IRB) and, under § 50.23(e)(3) (76 FR 36989, June 24, 2011), to FDA within 5 working days of the use of the device.

Section 50.23(e)(4) provides that an investigator must disclose the investigational status of the device and what is known about the performance characteristics of the device at the time test results are reported to the subject's health care provider and public health authorities, as applicable. Under § 50.23(e)(4), the investigator provides the IRB with the information required by § 50.25 (21 CFR 50.25) (except for the information described in § 50.25(a)(8)) and the procedures that will be used to provide this information to each subject or the subject's legally authorized representative.

From its knowledge of the industry, FDA estimates that there are approximately 150 laboratories that could perform testing that uses investigational in vitro diagnostic devices to identify chemical, biological, radiological, or nuclear agents. FDA estimates that in the United States each year there are approximately 450 naturally occurring cases of diseases or conditions that are identified in the Centers for Disease Control's list of category "A" biological threat agents. The number of cases that would result from a terrorist event or other public health emergency is uncertain. Based on its knowledge of similar types of submissions, FDA estimates that it will take about 2 hours to prepare each certification.

Based on its knowledge of similar types of submissions, FDA estimates that it will take about 1 hour to prepare a report disclosing the investigational status of the in vitro diagnostic device and what is known about the performance characteristics of the device and submit it to the health care provider and, where appropriate, to public health authorities.

The June 7, 2006, interim final rule refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 50.25 have been approved under 0910–0130.

In the **Federal Register** of April 10, 2014 (79 FR 19915), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although one comment was received, it was not responsive to the four collection of information topics solicited and therefore will not be discussed in this document.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
Written certification (sent to FDA)—50.23(e)(3)	150	3	450	0.25 (15 minutes)	113	$100

[1] There are no capital costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity/CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours	Total operating and maintenance costs
Written certification (sent to IRB)—50.23(e)(1) and (e)(2)	150	3	450	2	900	$0
Informed consent information—50.23(e)(4)	150	3	450	1	450	100
Total					1,350	100

[1] There are no capital costs associated with this collection of information.

Dated: July 10, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–16672 Filed 7–15–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1164]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Exceptions or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by August 15, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0614. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Exceptions or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile—(OMB Control Number 0910–0614)—Extension

Under the Public Health Service Act (PHS Act), the Department of Health and Human Services stockpiles medical products that are essential to the health security of the nation (see PHS Act, 42 U.S.C. 247d-6b). This collection of medical products for use during national health emergencies, known as the SNS, is to "provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency."

It may be appropriate for certain medical products that are or will be held in the SNS to be labeled in a manner that would not comply with certain FDA labeling regulations given their anticipated circumstances of use in an emergency. However, noncompliance with these labeling requirements could render such products misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352).

Under §§ 201.26, 610.68, 801.128, and 809.11 (21 CFR 201.26, 610.68, 801.128, and 809.11), the appropriate FDA Center Director may grant a request for an exception or alternative to certain regulatory provisions pertaining to the labeling of human drugs, biological products, medical devices, and in vitro diagnostics that currently are or will be included in the SNS if certain criteria are met. The appropriate FDA Center Director may grant an exception or alternative to certain FDA labeling requirements if compliance with these labeling requirements could adversely affect the safety, effectiveness, or availability of products that are or will be included in the SNS. An exception or alternative granted under the regulations may include conditions or safeguards so that the labeling for such products includes appropriate information necessary for the safe and effective use of the product given the product's anticipated circumstances of use. Any grant of an exception or alternative will only apply to the specified lots, batches, or other units of medical products in the request. The appropriate FDA Center Director may also grant an exception or alternative to the labeling provisions specified in the regulations on his or her own initiative.

Under § 201.26(b)(1)(i) (human drug products), § 610.68(b)(1)(i) (biological products), § 801.128(b)(1)(i) (medical devices), and § 809.11(b)(1)(i) (in vitro diagnostic products for human use), an SNS official or any entity that manufactures (including labeling, packing, relabeling, or repackaging), distributes, or stores such products that are or will be included in the SNS may submit, with written concurrence from an SNS official, a written request for an exception or alternative to certain labeling requirements to the appropriate FDA Center Director. Except when initiated by an FDA Center Director, a request for an exception or alternative must be in writing and must:

- Identify the specified lots, batches, or other units of the affected product;
- Identify the specific labeling provisions under this rule that are the subject of the request;
- Explain why compliance with the specified labeling provisions could adversely affect the safety, effectiveness, or availability of the product subject to the request;
- Describe any proposed safeguards or conditions that will be implemented so that the labeling of the product includes appropriate information necessary for the safe and effective use of the product given the anticipated circumstances of use of the product;
- Provide copies of the proposed labeling of the specified lots, batches, or other units of the affected product that will be subject to the exception or alternative; and
- Provide any other information requested by the FDA Center Director in support of the request.

If the request is granted, the manufacturer may need to report to FDA any resulting changes to the New Drug Application, Biologics License Application, Premarket Approval Application, or Premarket Notification (510(k)) in effect, if any. The submission and grant of an exception or an alternative to the labeling requirements specified in this rule may be used to satisfy certain reporting obligations relating to changes to product applications under 21 CFR 314.70 (human drugs), 21 CFR 601.12 (biological products), 21 CFR 814.39 (medical devices subject to premarket approval), or 21 CFR 807.81 (medical devices subject to 510(k) clearance requirements). The information collection provisions in §§ 314.70, 601.12, 807.81, and 814.39 have been approved under OMB control numbers 0910–0001, 0910–0338, 0910–0120, and 0910–0231 respectively. On a case-by-case basis, the appropriate FDA Center Director may also determine when an exception or alternative is granted that certain safeguards and conditions are appropriate, such as additional labeling on the SNS products, so that the labeling of such products would include information needed for safe and effective use under the anticipated circumstances of use.

Respondents to this collection of information are entities that manufacture (including labeling, packing, relabeling, or repackaging), distribute, or store affected SNS products. Based on the number of requests for an exception or alternative received by FDA in fiscal years 2012–13, FDA estimates an average of one request annually. FDA estimates an average of 24 hours preparing each request. The average burden per

response for each submission is based on the estimated time that it takes to prepare a supplement to an application, which may be considered similar to a request for an exception or alternative. To the extent that labeling changes not already required by FDA regulations are made in connection with an exception or alternative granted under the final rule, FDA is estimating one occurrence annually in the event FDA would require any additional labeling changes not already covered by FDA regulations. FDA estimates 8 hours to develop and revise the labeling to make such changes. The average burden per response for each submission is based on the estimated time to develop and revise the labeling to make such changes.

In the **Federal Register** of February 18, 2014 (79 FR 9219), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received one comment from the public. The comment was not responsive to the comment request on the four specified aspects of the collection of information and did not provide any data or explanation that would support a change regarding the information collection requirements.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
201.26(b)(1)(i), 610.68(b)(1)(i), 801.128(b)(1)(i), and 809.11(b)(1)(i)	1	1	1	24	24
201.26(b)(1)(i), 610.68(b)(1)(i), 801.128(b)(1)(i), and 809.11(b)(1)(i)	1	1	1	8	8
Total					32

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 10, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–16589 Filed 7–15–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Food and Drug Administration Third Annual Patient Network Meeting; Under the Microscope: Pediatric Drug Development

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA), Office of Health and Constituent Affairs (OHCA) is announcing a 1-day meeting to explore challenges related to pediatric product development. The meeting will serve as a forum for FDA's stakeholders (patients, caregivers, patient advocates, healthcare professional groups, the general public, academia, and industry) to learn about regulations that encourage pediatric product development; to discuss ways to advance pediatric product development, how health disparities impact pediatric product development, the importance of transparency in pediatric clinical trials, and how analysis of information from failed pediatric clinical trials might improve future designs for pediatric trials; and to identify ways patient input can benefit clinical trial design for pediatric trials.

The 1-day meeting will also provide an opportunity to participate in panel discussions on the challenges related to development of products used to treat pediatric patients, including pediatric patients with rare diseases and explore ways that patients/caregivers, FDA, and industry may work together to incorporate patient input in future pediatric product development and regulatory decisionmaking.

DATES: The public meeting will be held on September 10, 2014, from 8 a.m. to 4:30 p.m. If you wish to attend the 1-day meeting, visit the Patient Network at *http://patientnetwork.fda.gov/3rd-annual-patient-network*. Please register before September 5, 2014. Those who are unable to attend the meeting in person can register to view a live webcast of the meeting. You will be asked to indicate in your registration whether you plan to attend the meeting in person or via the webcast. Registrants will receive confirmation once they have been accepted. Onsite registration on the day of the meeting will be based on space availability. There is no registration fee for this meeting and early registration is suggested because space is limited. We request that non-patient organizations limit the number of representatives to three. For further registration information or problems with the Web site call Steve Morin (see **FOR FURTHER INFORMATION CONTACT**) at 301–796–0161 or email at *patientnetwork@fda.hhs.gov*.

If you need special accommodations due to a disability, please specify those accommodations when registering for this 1-day meeting.

ADDRESSES: The meeting will be held at the Washington Marriott at Metro Center, 775 12th St. NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Steve Morin, Office of Health and Constituent Affairs, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–0161, FAX: 301–847–8623, *patientnetwork@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. The FDA Patient Network

This is the third FDA Patient Network Annual Meeting hosted by OHCA, the Agency's primary liaison with patient and health professional communities. This annual meeting is being hosted as part of the larger FDA Patient Network program. The FDA Patient Network is a resource that seeks to:

- Educate and inform patients and patient advocacy organizations about FDA's:
  - Regulatory authorities and processes;
  - Initiatives;
  - Public meetings;
  - Ways to comment on FDA draft guidances; and
- Provide a venue for patient advocacy involvement within the FDA.

In addition to an annual meeting, the FDA Patient Network consists of:

- The FDA Patient Network Web site (*www.patientnetwork.fda.gov*)—a patient-centered Web site that contains:
  - Educational modules and FDA webinars;
  - Centralized agency information for patients;
  - Periodic LiveChat and listening discussions between patient advocates and FDA staff; and
- The biweekly FDA Patient Network News email newsletter informs the community on current FDA-related information on medical product:
  - Medical approvals;
  - Safety labeling changes;
  - Safety warnings;
  - Ways to participate on upcoming public meetings;
  - Ways to comment on proposed regulatory guidances;
  - Information on food safety; and
  - Other information of interest to patient and patient advocates.

To sign up for the FDA Patient Network News, visit *http://www.patientnetwork.fda.gov/get-involved/get-newsletter.*

FDA will post the agenda 5 days before the meeting at *http://patientnetwork.fda.gov/3rd-annual-patient-network.*

Dated: July 11, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–16714 Filed 7–15–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Cardiovascular and Renal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 10, 2014, from 8:30 a.m. to 4:30 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading "Resources for You," click on "Public Meetings at the FDA White Oak Campus." Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Kristina Toliver, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *CRDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will be asked to discuss the potential clinical utility of fixed-combination prescription drugs composed of an anti-hypertensive drug, aspirin, and a statin administered to reduce the risk of cardiovascular death, nonfatal myocardial infarction, and nonfatal stroke in patients with a history of cardiovascular disease. The committee will be asked to discuss the patient population that could benefit from such a product, whether that population would be likely to take such a drug long term, and how this could be assured. The committee will also be asked to consider the pros and cons of a treatment that would not be titrated and in a setting where monitoring might not be rigorous.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 25, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 15, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 18, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kristina Toliver at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 10, 2014.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2014–16671 Filed 7–15–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0917]

Small Entity Compliance Guide: Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "Requirements for the Submission of Data Needed to Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products—Small Entity Compliance Guide" for a final rule published in the **Federal Register** of July 10, 2014. This small entity compliance guide (SECG) is intended to set forth in plain language the requirements of the regulation and to help small businesses understand and comply with the regulation.

DATES: Submit either electronic or written comments on the SECG at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Center for Tobacco Products, Food and Drug Administration, Document Control Center, ATTN: Office of Small Business Assistance, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the guidance document may be sent. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Nancy Boocker or Annette Marthaler, Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 1–877–287–1373, *CTPRegulations@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 10, 2014 (79 FR 39302), FDA issued a final rule to add 21 CFR part 1150 to require domestic manufacturers and importers of tobacco products to submit to FDA information needed to calculate the amount of user fees assessed under the Federal Food, Drug, and Cosmetic Act. In compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), FDA is making available this SECG stating in plain language the legal requirements of the July 10, 2014, final rule, set forth in 21 CFR part 1150.

FDA is issuing this SECG as level 2 guidance consistent with FDA's good guidance practices regulation (21 CFR 10.115(c)(2)). The SECG represents the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

III. Electronic Access

Persons with access to the Internet may obtain an electronic version of the guidance at either *http://www.regulations.gov* or *http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.htm*.

Dated: July 10, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–16590 Filed 7–15–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0018]

Agency Information Collection Activities: Application for Permission To Reapply for Admission Into the United States After Deportation or Removal, Form I–212; 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. 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 September 15, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0018 in the subject box, the agency name and Docket ID USCIS–2008–0068. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* You may access the **Federal Register** Notice and submit comments via the Federal eRulemaking Portal Web site by visiting *www.regulations.gov*. In the search box either copy and paste, or type in, the e-Docket ID number USCIS–2008–0068. Click on the link titled Open Docket Folder for the appropriate Notice and supporting documents, and click the Comment Now tab to submit a comment;

(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:* Application for Permission to Reapply for Admission into the United States after Deportation or Removal.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–212; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information provided on Form I–212 is used by USCIS to adjudicate applications filed by aliens requesting consent to reapply for admission to the United States after deportation, removal or departure, as provided under section 212 of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 5,160 responses at 2 hours per response; 100 responses (biometrics) at 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 10,437 annual burden 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: July 10, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–16663 Filed 7–15–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5802–N–01]

Mortgagee Review Board: Administrative Actions

AGENCY: Office of the Assistant Secretary for Housing–Federal Housing Commissioner, Department of Housing and Urban Development ("HUD").

ACTION: Notice.

SUMMARY: In compliance with Section 202(c)(5) of the National Housing Act, this notice advises of the cause and description of administrative actions taken by HUD's Mortgagee Review Board against HUD-approved mortgagees.

FOR FURTHER INFORMATION CONTACT: Nancy A. Murray, Secretary to the Mortgagee Review Board, 451 Seventh Street SW., Room B–133/3150, Washington, DC 20410–8000; telephone (202) 708–2224 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (12 U.S.C. 1708(c)(5)) requires that HUD "publish a description of and the cause for administrative action against a HUD-approved mortgagee" by the Department's Mortgagee Review Board ("Board"). In compliance with the requirements of Section 202(c)(5), this notice advises of actions that have been taken by the Board in its meetings from October 1, 2012, to September 19, 2013.

I. Civil Money Penalties, Withdrawals of FHA Approval, Suspensions, Probations, Reprimands, and Administrative Payments

1. Amera Mortgage Corporation, Milford, MI, [Docket No. 12–1648–MR]

Action: On April 23, 2013, the Board entered into a Settlement Agreement with Amera Mortgage Corporation ("Amera") that required Amera to pay a civil money penalty in the amount of $348,300 and indemnify the Department for the life of the loan on twenty-one (21) HUD/FHA insured loans, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Amera violated underwriting requirements in connection with sixty-nine (69) loans when it did not check the eligibility of all of the participants in the transaction, failed to implement quality control of branch origination activities, failed to include the name and Nationwide Mortgage Licensing System (NMLS) identification number of the mortgage loan officer in HUD systems and loan documentation, used the incorrect NMLS identification numbers in loan documentation, falsely represented branch information to HUD, submitted or caused the submission of false loan underwriting approval forms in connection with six (6) loan files involving a debarred individual, employed a debarred individual, and made two (2) false certifications to HUD on Amera's annual recertification submissions in connection with Amera's annual renewal of eligibility documentation for its fiscal years ending in 2011 and 2012.

2. American Southwest Mortgage Corporation, Oklahoma City, OK [Docket No. 13–1544–MR]

Action: On November 14, 2013, the Board entered into a Settlement Agreement with American Southwest Mortgage Corporation ("ASMC") that

required ASMC to pay an administrative payment of $5,000, and $127,899.18 to settle monies owed to HUD on two (2) outstanding indemnification agreements, without admitting fault or liability.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: ASMC violated the requirements of two (2) indemnification agreements with HUD by failing to timely remit payments owed to HUD.

3. AmeriSave Mortgage Corporation, Atlanta, GA [Docket No. 13–1489–MR]

Action: On July 18, 2013, the Board entered into a Settlement Agreement with AmeriSave Mortgage Corporation ("AmeriSave") that required AmeriSave to pay civil money penalties in the amount of $131,500, without admitting fault or liability.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: During the period from April 1, 2011, to October 24, 2012, AmeriSave failed to enter NMLS identification numbers for five hundred twenty six (526) HUD/FHA insured loans into FHA Connection.

4. Ark Mortgage, Inc., North Brunswick, NJ [Docket No. 12–1611–MR]

Action: On October 28, 2013, the Board entered into a Superseding Settlement Agreement with Ark Mortgage, Inc. ("Ark") that required Ark to pay a civil money penalty of $50,000, and the President of Ark agreed to personally pay $125,000 over five (5) years to reimburse HUD for losses that HUD may suffer with respect to mortgages identified in the Notice of Violation dated April 12, 2012. In addition, Ark was allowed to voluntarily withdraw its FHA approval, as of the effective date of the Settlement Agreement. Ark will be permitted to reapply for FHA approval, subject to the following conditions: (a) The President of Ark remaining current on all payments personally due to HUD; (b) Ark is current with respect to all prior indemnification payments due to HUD; (c) Ark pays HUD a lump sum of $200,000 which shall be applied to any outstanding indebtedness due by Ark to HUD; (d) Ark provides HUD with a current financial statement prepared in accordance with HUD requirements, which evidences that Ark meets HUD's net worth requirements after payment of the $200,000; (e) there are no intervening events independent of this matter that would cause the Board to take an adverse action against Ark; and (f) Ark otherwise meets all of HUD's approval requirements in effect at that time, as set forth in 24 CFR Part 202.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: In accordance with HUD requirements, Ark failed to establish and implement a quality control plan; failed to adequately verify the borrower's source of funds to close; and failed to ensure that loan documents were not faxed from an interested third party.

5. BJV Financial Services, Inc., d/b/a Forum Mortgage Bancorp, Chicago, IL [Docket No. 10–1715–MR]

Action: On May 19, 2011, the Board voted to assess civil money penalties in the amount of $139,000 against BJV Financial Services, Inc. ("BJV"). On June 13, 2013, the Board entered into a Settlement Agreement with BJV that required BJV to pay an administrative payment to HUD in the amount of $70,000, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: BJV failed to comply with HUD's Quality Control requirements; failed to disclose affiliated business arrangements; charged unallowable and/or unearned fees; failed to resolve discrepancies and/or conflicting information in loan documents; and submitted a false certification to HUD on February 3, 2009, that BJV had not been involved in any proceeding in 2008 which resulted in sanctions by a state government.

6. Capital Financial Mortgage Corporation, Folsom, PA [Docket No. 13–1540–MR]

Action: On August 6, 2013, the Board issued a Notice of Administrative Action immediately suspending the FHA approval of Capital Financial Mortgage Corporation ("CFMC").

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: CFMC failed to notify HUD/FHA that it had been suspended by the Commonwealth of Pennsylvania Department of Banking and Securities, Bureau of Compliance and Licensing; failed to fund four (4) closed loans; failed to notify HUD that it had ceased operations; failed to submit its automated annual certification for the fiscal year ending December 31, 2012; failed to pay the annual recertification fee for the fiscal year ending December 31, 2012; and failed to submit an acceptable audited financial statement for its fiscal year ending December 31, 2012.

7. Capital Financial Mortgage Corporation, Folsom, PA [Docket No. 13–1540–MR]

Action: On November 6, 2013, the Board issued a Notice of Administrative Action permanently withdrawing the FHA approval of Capital Financial Mortgage Corporation ("CFMC").

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: CFMC failed to notify HUD/FHA that it had been suspended by the Commonwealth of Pennsylvania Department of Banking and Securities, Bureau of Compliance and Licensing; failed to fund four (4) closed loans; failed to notify HUD that it had ceased operations; failed to submit its automated annual certification for the fiscal year ending December 31, 2012; failed to pay the annual recertification fee for the fiscal year ending December 31, 2012; and failed to submit an acceptable audited financial statement for its fiscal year ending December 31, 2012.

8. Crossfire Financial Network, Miami, FL [Docket No. 13–1329–MR]

Action: On May 30, 2013, the Board voted to refer Crossfire Financial Network (CFN) to the Office of Inspector General and the Office of General Counsel for action under the Program Fraud Civil Remedies Act for double damages and a penalty.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: CFN approved an illegible HUD/FHA cash-out refinance loan.

9. Equity Loans, LLC, Atlanta, GA [Docket No. 12–1667–MR]

Action: On September 18, 2013, the Board entered into a Settlement Agreement with Equity Loans, LLC ("EL") that required EL, to pay a civil money penalty in the amount of $73,000, without admitting fault or liability.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: EL falsely certified on its 2009 and 2010 annual certifications that it was not subject to any adverse action filed by a state regulatory agency, failed to notify HUD/FHA of adverse actions filed by state governmental agencies within ten (10) business days of the sanction, failed to maintain a Quality Control (QC) Plan that contained all of the required elements, failed to ensure the review of all Early Payment

Defaults, and failed to ensure that loans were originated in accordance with HUD/FHA guidelines.

10. Equity Source Home Loans, LLC, Morganville, NJ [Docket No. 11–1239–MRT]

Action: On February 4, 2014, the Board entered into a Settlement Agreement with Equity Source Home Loans, LLC ("ESHL") that required ESHL, to pay a civil money penalty in the amount of $7,500, and be withdrawn from FHA approval for a period of one (1) year, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: ESHL failed to comply with HUD's annual recertification requirements for its fiscal year ending December 31, 2010, and ESHL failed to timely remit Mortgage Insurance Premiums (MIPs) to FHA on three (3) FHA-insured loans serviced by ESHL.

11. Fifth Third Bank, Cincinnati, OH [Docket No. 12–1612–MR]

Action: On October 7, 2013, the Board entered into a Settlement Agreement with Fifth Third Bank ("FTB") that required FTB to pay a civil money penalty in the amount of $48,000; an administrative payment of $475,000; and indemnify the Department on one hundred twenty-two (122) FHA loans should they go into default within a period of five (5) years from the date of the agreement, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: FTB failed to properly service FHA-insured loans; and/or failed to adequately evaluate or document its evaluation of loss mitigation techniques used to determine which loss mitigation techniques were appropriate; failed to adequately evaluate and/or document its evaluation of the borrower's financial condition and eligibility for FHA Home Affordable Modification Program (HAMP); failed to adequately evaluate and/or document its evaluation of a borrower for all available HUD/FHA loss mitigation alternatives for one (1) loan; improperly referred a loan to foreclosure while evaluating the borrower for loss mitigation alternatives; failed to properly document the assumption of an FHA-insured loan; failed to appropriately apply HUD's property preservation and inspection regulations; and failed to properly report and code one hundred thirty-three (133) loans through HUD's Single Family Default Monitoring System (SFDMS).

12. First Home Mortgage Corporation, Baltimore, MD [Docket No. 12–1685–MR]

Action: On May 10, 2013, the Board entered into a Settlement Agreement with First Home Mortgage Corporation ("FHMC") that required FHMC to pay a civil money penalty in the amount of $250,000, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: FHMC failed to ensure that no one was employed that was debarred or otherwise not allowed to perform activities involving the processing, origination or underwriting of FHA insured loans; failed to ensure its Quality Control (QC) Plan contained all of the required elements; failed to ensure it conducted QC reviews on loans that went into default within the first six (6) months of repayment; failed to implement its QC plan in accordance with HUD/FHA requirements; failed to ensure that it complied with HUD's requirements for Lender Insured (LI) loans; and made two (2) false certifications to HUD on FHMC's annual recertification submission.

13. Franklin First Financial, LTD, Melville, NY [Docket No. 12–1674–MR]

Action: On July 18, 2013, the Board entered into a Settlement Agreement with Franklin First Financial, LTD ("Franklin") that required Franklin to pay a civil money penalty in the amount of $66,500, and to indemnify HUD for any loss (past, present or future) on ten (10) FHA loans should they go into default within a period of five (5) years from the date of their endorsement, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Franklin failed to ensure that loan documents were not faxed from an interested third party or to resolve discrepancies with conflicting information; failed to verify and adequately document the borrower's earnest money deposit, source of funds to close and/or to pay consumer debts; failed to adequately document the income and/or stability of income used to qualify the borrowers; failed to downgrade a loan to its proper finding and manually underwrite the loan, which was required due to disputed accounts on the credit report; failed to ensure the borrower was eligible for maximum financing above ninety percent (90%) for a new construction property; and failed to properly calculate the maximum allowable mortgage for a streamline refinance transaction without an appraisal, which resulted in the approval of an over-insured loan.

14. MLD Mortgage, Inc. DBA The Money Store, Florham Park, NJ [Docket No. 13–1340–MR]

Action: On September 4, 2013, the Board entered into a Settlement Agreement with MLD Mortgage, Inc. ("MLD") that required MLD to pay a civil money penalty in the amount of $60,000; remit $2,315.19 to HUD/FHA to buy down an over-insured mortgage; and pay $357,250 to satisfy the past due indebtedness on two (2) FHA loans MLD had previously indemnified; as well as to indemnify HUD for any loss (past, present or future) on six (6) FHA loans should they go into default within a period of five (5) years from the date of their endorsement, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: MLD failed to properly document and verify funds used as gifts; exceeded FHA's maximum mortgage amount, resulting in two (2) over-insured loans; failed to properly analyze liabilities; charged the borrowers a commitment fee without a lock-in agreement guaranteeing, in writing, the interest rate and discount points for at least fifteen (15) days prior to loan closing; and failed to comply with settlement requirements needed to close.

15. MortgageAmerica, Inc, Birmingham, AL [Docket No. 12–1639–MR]

Action: On January 15, 2014, the Board entered into a Settlement Agreement with MortgageAmerica, Inc. ("MortgageAmerica") that required MortgageAmerica to pay a civil money penalty in the amount of $3,000, and remit all Mortgage Insurance Premiums and late fees due to HUD on eighty-two (82) FHA mortgages, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: MortgageAmerica failed to either timely remit monthly mortgage insurance premiums to HUD/FHA or to notify HUD/FHA within fifteen (15) calendar days of the termination of the contract of mortgage insurance, the sale of the mortgage, or both on eighty-two (82) FHA loans.

16. Network Capital Funding Corporation, Irvine, CA [Docket No. 13–1542–MR]

Action: On February 4, 2014, the Board entered into a Settlement Agreement with Network Capital Funding Corporation ("NCFC") that required NCFC to pay a civil money penalty in the amount of $22,000, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: NCFC submitted two (2) false annual certifications to HUD/FHA on March 19, 2012, and February 2, 2013, with respect to whether NCFC had been involved in a proceeding, or investigation, that could have resulted, or did result, in a civil money penalty or other adverse action taken by a federal, state or local government, and relating to NCFC's failure to timely remit its fiscal year 2010 audited financial statements.

17. Precision Funding Group LLC, Cherry Hill, NJ [Docket No. 12–1651–MR]

Action: On June 27, 2013, the Board issued a Notice of Administrative Action withdrawing the FHA approval of Precision Funding Group LLC ("PFG").

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: PFG failed to submit an acceptable Audited Financial Statement for the fiscal year ending December 31, 2011, and failed to adequately document the source of a borrower's closing costs.

18. R.H. Lending, Inc., Colleyville, TX [Docket No. 12–1299–MR]

Action: On June 12, 2013, the Board entered into a Settlement Agreement with R.H. Lending, Inc. ("RHL") that required RHL to pay a civil money penalty in the amount of $295,000; indemnify HUD for any loss (past, present or future) on two (2) FHA loans should they go into default within a period of five (5) years from the date of the agreement; and be placed on probation for a period of six (6) months, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: RHL failed to provide the required construction-permanent mortgage disclosures and obtain required certifications pertaining to liens; failed to obtain construction loan agreements; failed to disburse construction-permanent loan proceeds, in accordance with HUD requirements; failed to fully account for the disbursement of escrowed loan proceeds; failed to obtain written approval from the mortgagor prior to the release of construction draw funds; failed to obtain complete sales agreements; failed to ensure that manufactured home properties were eligible for FHA mortgage insurance; failed to verify and properly document funds for the mortgagor's cash investment in the property; submitted loans for FHA mortgage insurance that exceeded the applicable loan-to-value limits; and charged an excessive and unearned fee.

19. TXL Mortgage Corporation, Houston, TX [Docket No. 12–1660–MR]

Action: On August 7, 2013, the Board entered into a Settlement Agreement with TXL Mortgage Corporation ("TXL") that required TXL to pay a civil money penalty in the amount of $124,000, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: TXL failed to ensure that individuals originating HUD/FHA loans were exclusively employed by TXL in the mortgage lending field; failed to meet branch requirements for participation in the FHA mortgage insurance program; failed to ensure that the correct mortgagee identification number was used when originating FHA-insured mortgage loans; failed to comply with FHA Connection (FHAC) data entry requirements regarding sponsored originators; failed to document that it had performed adequate pre-insurance reviews of loans it approved under the Lender Insurance (LI) program; and failed to ensure that a mortgage loan officer's (MLO) Nationwide Mortgage Licensing System (NMLS) unique MLO identifier was accurately entered into FHAC.

20. U.S. Bank, N.A., Minneapolis, MN [Docket No. 12–1541–MR]

Action: On April 9, 2013, the Board entered into a Settlement Agreement with U.S. Bank, N.A. ("USB") that required USB to pay a civil money penalty in the amount of $30,000, without admitting fault or liability.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: USB failed to have FHA multifamily mortgages serviced by an FHA approved mortgagee, and permitted escrow funds to be used for a purpose other than that for which they were received.

21. Webster Bank, N.A., Cheshire, CT [Docket No. 12–1645–MR]

Action: On March 11, 2013, the Board entered into a Settlement Agreement with Webster Bank, N.A. ("Webster") that required Webster to pay an administrative payment in the amount of $66,500; remit a total $705.66 to the current holder of two (2) FHA mortgages to buy-down over-insured mortgages; and indemnify HUD for any loss (past, present or future) on two (2) FHA loans should they go into default within a period of five (5) years from the date of their respective endorsement dates, without admitting fault or liability.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: Webster permitted a non-approved lender to obtain and process loan applications, and failed to ensure borrowers made the minimum required investment.

II. Lenders That Failed To Timely Meet Requirements for Annual Recertification of HUD/FHA Approval

Action: The Board entered into settlement agreements with the lenders listed below, which required the lender to pay either a $3,500 or $7,500 civil money penalty, without admitting fault or liability.

Cause: The Board took this action based upon allegations that the lenders listed below failed to comply with the Department's annual recertification requirements in a timely manner.

1. Coast 2 Coast Funding Group, Inc., Lake Forest, CA ($3,500) *[Docket No. 13–1520–MRT]*
2. Coral Mortgage Bankers Corporation, Englewood, NJ ($3,500) *[Docket No.13–1530–MRT]*
3. First National Bank at Paris, Paris, AR ($7,500) *[Docket No. 13–1520–MRT]*

III. Lenders That Failed To Meet Requirements for Annual Recertification of HUD/FHA Approval

Action: The Board voted to withdraw the FHA approval of each of the lenders listed below for a period of one (1) year, or permanently.

Cause: The Board took this action based upon allegations that the lenders listed below were not in compliance with the Department's annual recertification requirements.

1. 1st Step Mortgage Group, Inc., Rockford, IL (One Year Withdrawal), [*Docket No. 13–1498–MRT*]
2. Acceptance Capital Mortgage Corp., Spokane, WA (One Year Withdrawal), [*Docket No. 13–1468–MRT*]

3. Affiliated Financial Group, LLC, Greenwood Village, CO (One Year Withdrawal), [*Docket No. 14–1664–MRT*]
4. Bank of Erath, Abbeville, LA (One Year Withdrawal), [*Docket No. 13–1475–MRT*]
5. Best Mortgage, Inc., Kansas City, MO (One Year Withdrawal), [*Docket No. 14–1665–MRT*]
6. Capital Mortgage Funding, Southfield, MI (One Year Withdrawal), [*Docket No. 14–1666–MRT*]
7. Fairway Independent Mortgage Corp. DBA Residential Mortgage Corp., Montgomery, AL (One Year Withdrawal), [*Docket No. 13–1490–MRT*]
8. Financial Mortgage, Inc., Fairfax, VA (One Year Withdrawal), [*Docket No. 14–1667–MRT*]
9. First Mortgage Capital, Inc., Bayamon, PR (One Year Withdrawal), [*Docket No. 13–1470–MRT*]
10. First Republic Bank, Las Vegas, NV (One Year Withdrawal), [*Docket No. 14–1668–MRT*]
11. Funding, Incorporated, Houston, TX (One Year Withdrawal), [*Docket No. 13–1469–MRT*]
12. HSOA Mortgage Company, Seal Beach, CA (One Year Withdrawal), [*Docket No. 14–1669–MRT*]
13. Ironwood Mortgage Servicing, LLC, Huntington Beach, CA (One Year Withdrawal), [*Docket No. 14–1670–MRT*]
14. Just Mortgage, Inc., Rancho Cucamonga, CA (One Year Withdrawal), [*Docket No. 14–1671–MRT*]
15. Lehman Brothers Holdings, Inc., New York, NY (Permanent Withdrawal), *[Docket No. 14–1672–MRT]*
16. Nationwide Mortgage and Associates, Inc., Ft. Lauderdale, FL (One Year Withdrawal), [*Docket No. 14–1673–MRT*]
17. Pleasant Valley Home Mortgage Corp., Moorestown, NJ (One Year Withdrawal), [*Docket No. 14–1674–MRT*]
18. TotalBank, Miami, FL (One Year Withdrawal), *[Docket No.13–1476–MRT]*
19. Secured Residential Funding, Inc., San Juan Capistrano, CA (One Year Withdrawal), *[Docket No. 14–1678–MRT]*
20. Uniwest Mortgage Corporation, San Diego, CA (One Year Withdrawal), *[Docket No. 14–1675–MRT]*
21. Westlend Financing, Inc., Dana Point, CA (One Year Withdrawal), *[Docket No. 14–1676–MRT]*
22. Wilmington Trust Company, Wilmington, DE (One Year Withdrawal), *[Docket No. 14–1677–MRT]*

Dated: July 10, 2014.

Carol Galante,

Assistant Secretary for Housing–Federal Housing Commissioner.

[FR Doc. 2014–16722 Filed 7–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–27]

60-Day Notice of Proposed Information Collection: Energy Efficient Mortgages (EEMs)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 15, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Kevin Stevens, Director, Home Mortgage Insurance Division, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, email Kevin Stevens at *Kevin.L.Stevens@hud.gov*, or telephone (202) 708–2121. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Mr. Stevens.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Energy Efficient Mortgages.

OMB Approval Number: 2502–0561.

Type of Request: Extension.

Form Number: Not applicable.

Description of the need for the information and proposed use: Lenders provide the required information to determine the eligibility of a mortgage to be insured under Section 513 of the Housing and Community Development Act of 1992 (Section 106 of the Energy Policy Act of 1992). Section 2123 of the Housing and Economic Recovery Act of 2008 (HERA) (Public Law 110–289, approved July 30, 2008)) amended Section 106 of the Energy Policy Act of 1992 which revised the maximum dollar amount that can be added to an FHA-insured mortgage for energy efficient improvements.

Respondents (i.e. affected public): Business.

Estimated Number of Respondents: 110.

Estimated Number of Responses: 2,420.

Frequency of Response: One per mortgage.

Average Hours per Response: 4.25 hours.

Total Estimated Burdens: 2,571 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: July 10, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing—Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–16723 Filed 7–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–57]

30-Day Notice of Proposed Information Collection: Mortgage Record Change

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 15, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 18, 2014.

A. Overview of Information Collection

Title of Information Collection: Mortgage Record Change.

OMB Approval Number: 2502–0422.

Type of Request: Extension of a currently approved collection.

Form Number: 92080 (FHA Connection).

Description of the need for the information and proposed use: Servicing of insured mortgages must be performed by a mortgagee that is approved by HUD to service insured mortgages. The Mortgage Record Change information is used by FHA-approved mortgagees to comply with HUD requirements for reporting the sale of a mortgage between investors and/or the transfer of the mortgage servicing responsibility, as appropriate.

Respondents: FHA-approved mortgagees.

Estimated Number of Respondents: 6,500.

Estimated Number of Responses: 2,500,000.

Frequency of Response: On occasion at sale or transfer.

Average Hours per Response: 0.1.

Total Estimated Burdens: 250,000.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 11, 2014

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–16725 Filed 7–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–58]

30-Day Notice of Proposed Information Collection: Policies and Procedures for the Conversion of Efficiencies Units to One Bedroom Units

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 15, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 4, 2014.

A. Overview of Information Collection

Title of Information Collection: Policies and Procedures for the Conversion of Efficiencies Units to One Bedroom Units.

OMB Approval Number: 2502–0592.

Type of Request: Extension of a currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: The

information is to be used by HUD staff in evaluating and processing applications requesting approval of multifamily project efficiency unit conversions into one-bedroom units.

Respondents (i.e. affected public): This is a voluntary program, for which owners under the following programs may participate:

Section 202 Direct Loan with or without Rental Assistance.

Section 202 Capital Advance with Project Rental Assistance Contracts or Project Assistance Contracts (PRAC and PAC) .

Section 811 Capital Advance with Project Rental Assistance Contracts (PRAC).

Section 236 insured and non-insured with or without Rental Assistance Section 221(d)(3)

Below Market Interest Rate (BMIR) with or without Rental Assistance.

Section 8 Project-Based Rental Assistance with or without FHA insurance Rental Assistance Payment (RAP) Rent Supplement Assistance Contract Properties subject to a HUD Use Agreement or Deed Restriction.

Estimated Number of Respondents: 10.

Estimated Number of Responses: 10.

Frequency of Response: 1.

Average Hours per Response: 8.

Total Estimated Burdens: 80.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 11, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–16724 Filed 7–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement (BSEE)

[Docket ID: BSEE–2014–0003; 14XE8370SD ED1OS0000.JAE000 EEGG000000]

Notice of Further Revisions to the National Preparedness for Response Exercise Program (PREP) Guidelines

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the National Scheduling Coordination Committee (NSCC), which is comprised of representatives from the U.S. Coast Guard (USCG), Environmental Protection Agency (EPA), Pipeline and Hazardous Materials Safety Administration (PHMSA), and BSEE, is making additional changes to the National Preparedness for Response Exercise Program (PREP) Guidelines. The NSCC will announce the availability of an updated draft of the revised PREP Guidelines and invite public comment at a future date. The future invitation to comment will be published in the **Federal Register** by the USCG, on behalf of the NSCC, and will use docket USCG–2011–1178.

ADDRESSES: The public docket for any materials submitted during the previous comment period that ended April 24, 2014 (79 FR 16363), is available online at *http://www.regulations.gov*. Type BSEE–2014–0003 into the search field and click "Search." Follow the instructions at that Web site to view materials and public comments that are available in the docket.

FOR FURTHER INFORMATION CONTACT:

For BSEE: Mr. John Caplis, Oil Spill Response Division, 703–787–1364.

For USCG: LCDR Wes James, Office of Marine Environmental Response Policy, 202–372–2136.

For EPA: Mr. Troy Swackhammer, Office of Emergency Management, Regulation and Policy Development Division, 202–564–1966.

For PHMSA: Mr. Ed Murphy, Office of Pipeline Safety, 202–366–4595.

SUPPLEMENTARY INFORMATION: On February 22, 2012, the USCG published, on behalf of the NSCC, a notice and request for public comments in the **Federal Register** (77 FR 10542, docket USCG–2011–1178), which provided advance notice that the NSCC agencies planned to update the 2002 PREP Guidelines. During the 60-day comment period, the USCG, on behalf of the NSCC, received 214 comments in the docket. The NSCC agencies subsequently revised the 2002 PREP Guidelines to reflect the comments received in the docket, as well as NSCC member agency organizational changes, lessons learned from past incidents, and the addition of new regulatory requirements, including the addition of the USCG's Salvage and Marine Firefighting (SMFF) regulations.

On March 25, 2014, BSEE published a notice in the **Federal Register** (79 FR 16363), on the behalf of the NSCC, announcing the availability of an updated draft of the PREP Guidelines document and requesting public comments. The NSCC is currently amending the updated draft of the PREP Guidelines to address the comments received in response to the notice in 79 FR 16363, and will also be incorporating additional guidance pertaining to the new regulatory requirements for nontank vessel response plans. The NSCC will solicit public comment on the entirety of the updated PREP Guidelines at a future date when the aforementioned changes have been incorporated, and the revised draft of the updated Guidelines is ready for public viewing. The future invitation to comment will be published by the USCG, on behalf of the NSCC, in the **Federal Register** and will use a different docket ID number (USCG–2011–1178).

Dated: July 2, 2014.

David M. Moore,

Chief, Oil Spill Response Division, Bureau of Safety and Environmental Enforcement.

[FR Doc. 2014–16696 Filed 7–15–14; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2014–N094; 40120–1112–0000–F2]

Incidental Take Permit and Environmental Assessment for Erosion Armoring and Beachfront Activities Regulated by the Walton County Board of County Commissioners in Walton County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Under the Endangered Species Act (Act), we, the U.S. Fish and Wildlife Service, announce the receipt and availability of a proposed habitat conservation plan (HCP) and accompanying documents for beachfront activities regulated by the Walton County Board of Commissioners (applicant), which would take the loggerhead sea turtle, green sea turtle, leatherback sea turtle, Kemp's ridley sea turtle, piping plover, and Choctawhatchee beach mouse, incidental to activities as conducted or permitted by the applicant in Walton County, Florida. We invite public comments on these documents.

DATES: We must receive any written comments at our Regional Office (see **ADDRESSES**) on or before September 15, 2014.

ADDRESSES: Documents are available for public inspection by appointment during normal business hours at the Fish and Wildlife Service's Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345; or Ecological Services Field Office, Fish and Wildlife Service, 1601 Balboa Avenue, Panama City, FL 32405.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES**), telephone: 404–679–7313; or Ms. Kristi Yanchis, Field Office Project Manager, at the Panama City Field Office (see **ADDRESSES**), telephone: 850–769–0552.

SUPPLEMENTARY INFORMATION: We announce the availability of the proposed HCP, incidental take permit (ITP) application, and an environmental assessment (EA), which analyze the take of loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), leatherback sea turtle (*Dermochelys coriacea*), Kemp's ridley sea turtle (*Lepidochelys kempii*), the nonbreeding piping plover (*Charadrius melodus*), and the Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*), incidental to activities as conducted or permitted by the applicant. The applicant requests a 25-year ITP under section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act; 16 U.S.C. 1531 *et seq.*), as amended. The Applicant's HCP describes the mitigation and minimization measures proposed to address the impacts to the species.

We specifically request scientific or technical information, views, and opinions from the public via this notice on our proposed Federal action, including identification of any other aspects of the human environment not already identified in the EA pursuant to National Environmental Policy Act (NEPA) regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6. Further, we specifically solicit information regarding the adequacy of the HCP per 50 CFR parts 13 and 17.

The EA assesses the likely environmental impacts associated with the implementation of the activities, including the environmental consequences of the no-action alternative and the proposed action. The proposed action alternative is issuance of the ITP and implementation of the HCP as submitted by the applicant. The HCP covers activities conducted or permitted by the applicant, and includes installation of beachfront armoring (temporary or permanent); beach crossovers at public access points; County and public beach driving and vehicular beach access–related activities; sale or rental of merchandise, services, goods, or property by beach vendors, as permitted by Walton County; and beach placement of temporary vending equipment storage boxes. Avoidance, minimization, and mitigation measures include: Providing a process for the permitting and implementation of emergency armoring measures initiated under the County's permitting authority; developing and implementing guidelines to minimize disturbances to sea turtles and their nests, shorebirds, and beach mice caused by the operation of official vehicles involved in public safety, beach maintenance, law enforcement, HCP implementation, and other official business on County beaches; implementing new requirements to minimize impacts to sea turtles and their nests caused by the operation of private vehicles on County beaches; developing and implementing guidelines for beach vendors regarding the transport, placement, and storage of merchandise, equipment, and supplies to reduce interference with sea turtle nest protection activities; developing and implementing a multi-faceted public awareness program to educate residents and visitors of the importance of the County's beaches to the conservation and recovery of protected species; adopting and enforcing a beachfront lighting ordinance to reduce nighttime disturbances to sea turtles, piping plovers, and beach mice; and implementing an effective monitoring program for all species covered under the ITP to identify and ameliorate factors impeding their recovery.

Public Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

If you wish to comment, you may submit comments by any one of several methods. Please reference TE43711A–0 in such comments. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES**). You may also comment via the Internet to *david_dell@fws.gov*. Please include your name and return address in your internet message. If you do not receive a confirmation from us that we have received your internet message, contact us directly at either telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Finally, you may hand-deliver comments to either of our offices listed under **ADDRESSES**.

Covered Area

The area encompassed under the HCP and ITP application consists of approximately 20 miles of beachfront along the Gulf of Mexico on non-State lands, from the Bay/Walton to the Okaloosa/Walton County line.

Next Steps

We will evaluate the ITP application, including the HCP and any comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Endangered Species Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If we determine that the requirements are met, we will issue the ITP for the incidental take of loggerhead sea turtle, green sea turtle, leatherback sea turtle, Kemp's ridley sea turtle, piping plover, and Choctawhatchee beach mouse.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: May 29, 2014.

Mike Oetker,

Acting Regional Director.

[FR Doc. 2014–16721 Filed 7–15–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14XL LLIDB00100 LF1000000.HT0000 LXSS020D0000 241A 4500059789]

Notice of Intent To Amend the 1999 Owyhee Resource Management Plan and Prepare an Associated Environmental Assessment, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Owyhee Field Office, Marsing, Idaho, intends to prepare a Resource Management Plan (RMP) amendment with an associated Environmental Assessment (EA) for the Owyhee Field Office. This notice announces the beginning of the scoping process to solicit public comments and identify issues.

DATES: Comments on issues may be submitted in writing until August 15, 2014. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers, and the BLM Web site at: *http://www.blm.gov/id.* In order to be included in the analysis, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments on issues and planning criteria related to Owyhee RMP amendment/EA by any of the following methods:

- Web site: *http://www.blm.gov/id/st/en/prog/nepa_register/rmp_amendment__proposed.html.*
- Email: *BLM_ID_BD_OwyheeRMPAmend@blm.gov.*
- Fax: 208–384–3326.
- Mail: BLM Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

Documents pertinent to this proposal may be examined at the Owyhee Field Office, 20 First Avenue West, Marsing, ID 83639, or at the BLM Boise District Office, at the above address.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Supervisory Resource Management Specialist; telephone 208–384–3338, BLM Boise District Office, at the above address; or email *BLM_ID_BD_OwyheeRMPAmend@blm.gov.* Contact Mr. Sullivan to have your name added to our mailing list. 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 Mr. Sullivan during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for Mr. Sullivan. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM Owyhee Field Office, Marsing, Idaho, intends to prepare an RMP amendment with an associated EA for the Owyhee Field Office, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The planning area is located in Owyhee County and encompasses approximately 1,320,000 acres of public land; however, this plan amendment is only intended to address the land-tenure classification of 560.62 acres. The purpose of the public-scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the plan amendment area have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. The issue involves a change in the land-tenure classification for 560.62 acres of public land, described as the NW¼ and SW¼ of Section 15, the N½N½ of Section 21, and the N½NW¼ of Section 22, all in T. 7 S., R. 3 W, Boise Meridian, Owyhee County, Idaho. The above-described public land is currently located in Land Tenure Zone 1 (retain lands in public ownership). This land-tenure classification would be changed to Land Tenure Zone 3 (lands available for disposal, excluding sale). This proposed change in land-tenure classification would allow the above-described lands to be considered along with approximately 33,400 additional acres of Federal public land in a proposed land exchange with the Idaho Department of Lands for up to 38,444 acres of State land. Under Federal regulations, a land exchange may occur only when it is determined to be in the public interest. When considering the public interest the BLM gives full consideration to the opportunity to achieve better management of Federal lands, to meet the needs of State and local residents and their economies, and to secure other important objectives. Acquisition of lands of higher environmental values may represent the mitigation for the transfer of lands out of Federal ownership. Land exchanges are designed to be for equal monetary value and the acreage amounts of Federal and state land may be adjusted after appraisals are completed.

Preliminary planning criteria include directions and requirements found in (1) The Omnibus Public Land Management Act of 2009; (2) The Federal Land Policy and Management Act of 1976; (3) The National Environmental Policy Act of 1969; (4) The 1999 Owyhee Resource Management Plan; and (5) BLM policy manuals 1601 (Land Use Planning) and 2200 (Land Exchanges). The proposed land exchange would be completed subject to Federal regulatory requirements found at 43 CFR 2200, which include public notice and an opportunity to comment.

You may submit comments on issues and planning criteria in writing to the BLM at any public-scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 30 days after the last public meeting, whichever is later.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying

information from public review, we cannot guarantee that we will be able to do so. The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the Draft RMP/Draft EA as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use an interdisciplinary approach to develop the plan amendment and EA in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the plan amendment and development of the associated EA: Rangeland management, geology, soils, wildlife and fisheries, archaeology, outdoor recreation, and realty.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2.

Timothy M. Murphy,

Acting BLM Idaho State Director.

[FR Doc. 2014–16225 Filed 7–15–14; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORL00000.L18200000.XZ0000. 14XL1109AF; HAG14–0019]

Notice of Public Meeting for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below:

DATES: The RAC will hold a public meeting on August 4 and 5, 2014, at the Clarion Inn, 1249 Tapadera Avenue, Ontario, Oregon, from 8:30–4:30 each day. A public comment period will be available each day of the session. Unless otherwise approved by the RAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the RAC for a maximum of five minutes. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate necessary business and all who seek to be heard regarding matters before the RAC.

FOR FURTHER INFORMATION CONTACT: Kevin Abel, Public Affairs Specialist, BLM Lakeview District Office, 1301 S G Street, Lakeview, Oregon 97630, (541) 947–6237, or email *kabel@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1 (800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Southeast Oregon RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in southeast Oregon. Agenda items for the August 4–5, 2014 meeting include: Lands with wilderness characteristics; the Wild Horse and Burro Program; presentation from Burns Paiute regarding land transfer; Vale fuels discussion; discussion of Leslie Gulch fence; and planning future RAC meetings. Any other matters that may reasonably come before the Southeast Oregon RAC may also be addressed. This meeting is open to the public in its entirety. Information to be distributed to the Southeast Oregon RAC is requested prior to the start of each meeting.

Before you include your address, phone number, email address, or any other personal information during your comments, please be aware that your entire comment (including your personal information) may be available to the public at any time. When making your comments, you may request that your personal information be held from public review, however we cannot guarantee it will not be disclosed.

ELynn Burkett,

Lakeview District Manager.

[FR Doc. 2014–16689 Filed 7–15–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVE02000 L14300000.EQ0000 241A; N–021861–02; 14–08807; MO#4500060500]

Notice of Realty Action: Classification for Lease and Conveyance for Recreation and Public Purposes of Public Land for a Shooting Range in Elko County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, approximately 95.22 acres of public land in Elko County, Nevada. The Elko County proposes to use the land for the expansion of the Elko County Shooting Range.

DATES: Interested parties may submit written comments regarding this classification and conveyance of public land for a period of 45 days from the date of publication of this notice in the **Federal Register** until September 2, 2014.

ADDRESSES: Send written comments to the BLM, Tuscarora Field Manager, 3900 East Idaho Street, Elko, NV 89801.

FOR FURTHER INFORMATION CONTACT: Elisabeth Puentes, Realty Specialist, Tuscarora Field Office, at 775–753–0234, or email epuentes@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The parcel of public land proposed for classification and conveyance is located 3.5 miles west of the City of Elko, Nevada. Access to the parcel is provided by a dirt road, which exists off the western interchange of Interstate 80.

The land to be classified as suitable for conveyance is legally described as:

Mount Diablo Meridian

T. 34 N., R. 54 E., sec. 25, lots 1–4, and 8, excluding land previously classified August 9, 1985 under serial number N–21861.

The area described contains 95.22 acres.

The parcel is for the expansion of the Elko County Shooting Range. The expansion of the shooting range would include the development of a facility for youth shooting sports activities, firearm safety training, and other youth oriented shooting activities.

In addition to the classification for conveyance of the above referenced lands, the BLM intends to convey lands that were previously leased pursuant to the R&PP for the Elko County shooting range and that is adjacent to the proposed expansion area. The purpose of this notice is to reclassify those parcels as suitable for reconveyance. The acres leased for the existing shooting range were classified for lease on August 9, 1985, under serial number N–21861. The lands that are now proposed for conveyance, including land previously classified August 9, 1985 under serial number N–21861, are legally described as:

Mount Diablo Meridian

T. 34 N., R. 54 E., sec. 25, lots 1–4, 7 and 8.

The total area ultimately to be conveyed contains 255.33 acres.

The BLM conducted an Environmental Site Assessment/Land Transfer Audit (ESA/LTA) in September 2012 for all lands proposed for conveyance. The ESA/LTA concluded that lead, a hazardous material, is present in the shooting target areas and backdrop berms of the existing shorting range parcel. In general, the site is kept clean and no other issues were noted. The ESA/LTA found that the closest surface water is 1,320 feet away and ground water is expected to be 120 feet deep. There is no threat of water contamination. The alkaline soil retards the dissolution of lead, so mobilization of lead should not be an issue. Based on the existing data the transfer of the subject parcel to Elko County for the purpose of a rifle and shooting range does not present a significant risk to human health and the environment at this time. The land is not needed for any Federal purpose. The classification and disposals contemplated above are consistent with the Record of Decision and Approved Elko Resource Management Plan dated March 11, 1987.

The BLM also prepared an environmental assessment analyzing Elko County's application for the conveyance of 255.33 acres and the proposed development and management plan. Elko County has maintained the existing shooting range facility in accordance with the original management plan that was approved on September 26, 1985, as part of the N–21861 R&PP lease.

All minerals in these parcels are privately owned. A conveyance would be subject to the provisions of the R&PP Act, applicable regulations prescribed by the Secretary of the Interior, and the following reservation to the United States:

1. A reservation to the United States for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

A conveyance would also be subject to the following terms and conditions:

1. All valid existing rights;

2. Right-of-way N–46266 for a buried fiber optic cable issued to AT&T Lease Administration, its successors or assigns, pursuant to the Act of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761);

3. A limited reversionary provision that the title shall revert to the United States upon a finding, after notice and opportunity for a hearing that the patentee has not substantially developed the land in accordance with the approved plan of development 5 years after the date of patent. No portion of the land shall under any circumstances revert to the United States if any such portion had been used for solid waste disposal or for any other purpose that may result in disposal, placement, or release of any hazardous substances.

4. An indemnification clause protecting the United States from claims arising out of the lessee's use, occupancy, or operations on the leased lands;

5. Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(h)), as amended, notice is hereby given that the described lands have been examined and concluded that lead, a hazardous material, is present in the shooting target areas and backdrop berms on the existing shooting range parcel. In general, the site is kept clean and no other issues were noted. The ESA/LTA found that the closest surface water is 1,320 feet away and ground water is expected to be 120 feet deep. There is no threat of water contamination. The alkaline soil retards the dissolution of lead therefore; mobilization of lead should not be an issue.

Upon publication of this notice in the **Federal Register**, the parcels will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the R&PP Act.

Interested parties may submit written comments on the suitability of the land for conveyance to Elko County for a shooting range. Comments are restricted to whether the land is physically suited for conveyance proposal, whether the conveyance will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Interested parties may also submit written comments regarding the specific use proposed in the application and request for conveyance, and whether the BLM followed proper administrative procedures under the R&PP Act.

Before including your address, phone number, email address, or other personal identifying information for 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.

Any adverse comments will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will become effective 60 days after the date of publication of this notice in the **Federal Register**. The lands will not be available for conveyance until after the classification becomes effective.

Authority: 43 CFR 2741.5(h).

Richard E. Adams,

Tuscarora Field Office Manager.

[FR Doc. 2014–16698 Filed 7–15–14; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SER–GUIS–15248: PPSESEROC3, PPMPSAS1Y.YP0000]

Final General Management Plan and Final Environmental Impact Statement, Gulf Islands National Seashore, Florida and Mississippi

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to 42 U.S.C. 4332(2)(C) of the National Environmental Policy Act of 1969, the

National Park Service (NPS) announces the availability of a Final Environmental Impact Statement for the General Management Plan (Final EIS/GMP) for Gulf Islands National Seashore (National Seashore), Florida and Mississippi. Consistent with NPS laws, regulations, and policies and the purpose of the National Seashore, the Final EIS/GMP will guide the management of the area over the next 20+ years.

DATES: The NPS will execute a Record of Decision (ROD) no sooner than 30 days following publication by the Environmental Protection Agency of its Notice of Availability of the Final EIS/GMP in the **Federal Register**.

ADDRESSES: Electronic copies of the Final EIS/GMP will be available online at *http://parkplanning.nps.gov/GUIS*. To request a copy, contact Larissa Read, National Park Service, 12795 W. Alameda Parkway, P.O. Box 25287, Denver Colorado 80225–0287, telephone (303) 969–2472. A limited number of compact disks and printed copies of the Final EIS/GMP will be made available at Gulf Islands National Seashore Headquarters, 1801 Gulf Breeze Parkway, Gulf Breeze, Florida 32563–5000.

FOR FURTHER INFORMATION CONTACT: Dan Brown, Superintendent, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway, Gulf Breeze, Florida 32563–5000; telephone (850) 934–2604.

SUPPLEMENTARY INFORMATION: The Final EIS/GMP responds to, and incorporates agency and public comments received on the Draft EIS, which was available for public review from September 9, 2011, through December 9, 2011. A total of four public meetings were held on October 18, 2011, and November 8, 2011, at the Naval Live Oaks Visitor Center in Gulf Breeze, Florida, and on October 20, 2011, and November 10, 2011, at the Davis Bayou Visitor Center in Ocean Springs, Mississippi. A total of 181 comments were received. The NPS responses to substantive agency and public comments are provided in Chapter 5 of the Final EIS/GMP, Consultation and Coordination section.

The Final EIS/GMP evaluates four alternatives for managing use and development of the National Seashore:

- Alternative 1, the No Action alternative, represents the continuation of current management action and direction into the future.
- Alternative 2 would reduce the level of infrastructure rebuilt on the barrier islands and allow natural processes to predominate.
- Alternative 3 is the NPS Preferred Alternative. Alternative 3 would enhance visitor education, research, and resource protection opportunities. The seashore would be managed as an outdoor classroom for exploring the natural and human history of the Gulf of Mexico's barrier islands and coastal environments. Interpretive programs would focus on illustrating how barrier islands act as protectors of the mainland coastline, and the part these islands have played in the last 5,000 years of historic human occupation.
- Alternative 4 would expand and diversify visitor opportunities throughout the seashore by leveraging additional partnerships.

When approved, the plan will guide the management of the National Seashore over the next 20+ years.

The responsible official for this Final EIS/GMP is the Regional Director, NPS Southeast Region, 100 Alabama Street SW., 1924 Building, Atlanta, Georgia 30303.

Dated: June 17, 2014.

Sherri L. Fields,

Acting Regional Director, Southeast Region.

[FR Doc. 2014–16662 Filed 7–15–14; 8:45 am]

BILLING CODE 4310–JD–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Sunshine Act Meeting

[F.C.S.C. Meeting and Hearing Notice No. 07–14]

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, July 24, 2014: 10:00 a.m.—Oral hearings on Objection to Commission's Proposed Decisions in Claim Nos. IRQ–I–003/IRQ–I–009;

11:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

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. 2014–16847 Filed 7–14–14; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; Labor Advisory Committee for Trade Negotiations and Trade Policy

ACTION: Notice of postponement of meeting.

SUMMARY: Notice is hereby given that a meeting of the Labor Advisory Committee for Trade Negotiation and Trade Policy has been postponed until further notice. This meeting, which was closed to the public, was to be held on July 7, 2014, from 10:00 a.m. to 11:30 a.m. at the U.S. Department of Labor, Secretary's Conference Room, 200 Constitution Ave. NW., Washington, DC.

The original **Federal Register** notice announcing this meeting was published on June 18, 2014, at 79 FR 34786.

FOR FURTHER INFORMATION CONTACT: Anne M. Zollner, Chief, Trade Policy and Negotiations Division; Phone: (202) 693–4890.

Signed at Washington, DC, the 3rd day of July, 2014.

Carol Pier,

Deputy Undersecretary, International Affairs.

[FR Doc. 2014–16775 Filed 7–15–14; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Renewal of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and

financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Agreement and Undertaking (OWCP–1). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before September 15, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1447, Email *Ferguson.Yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background: Coal mine operators desiring to be self-insurers are required by law (30 U.S.C. 933 BL) to produce security by way of an indemnity bond, security deposit, a letter of credit, or 501(c)(21) trust. Once a company's application to become self-insured is reviewed by the Division of Coal Mine Workers' Compensation (DCMWC) and it is determined the company is potentially eligible, an amount of security is determined to guarantee the payment of benefits required by the Act. The OWCP–1 form is executed by the self-insurer who agrees to abide by the Department's rules and authorizes the Secretary, in the event of default, to file suit to secure payment from a bond underwriter or in the case of a Federal Reserve account, to sell the securities for the same purpose. A company cannot be authorized to self-insure until this requirement is met. Regulations establishing this requirement are at 20 CFR 726.110 for Black Lung. This information collection is currently approved for use through December 31, 2014.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval of the extension of this currently approved information collection in order to determine if a coal mine company is potentially eligible to become self-insured. The information is reviewed to insure that the correct amounts of negotiable securities are deposited or indemnity bond is purchased and that in a case of default OWCP has the authority to utilize the securities or bond. If this Agreement and Undertaking were not required, OWCP would not be empowered to utilize the company's security deposit to meet its financial responsibilities for the payment of black lung benefits in case of default.

Type of Review: Extension.

Agency: Office of Workers' Compensation Programs.

Title: Agreement and Undertaking.

OMB Number: 1240–0039.

Agency Number: OWCP–1.

Affected Public: Businesses or other for-profit.

Total Respondents: 20.

Total Responses: 20.

Time per Response: 15 minutes.

Estimated Total Burden Hours: 5.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $10.40.

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 will also become a matter of public record.

Dated: July 8, 2014.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2014–16773 Filed 7–15–14; 8:45 am]

BILLING CODE 4510–CR–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 14–074]

NASA Advisory Council; Science Committee; Planetary Science Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Wednesday, September 3, 2014, 8:30 a.m. to 5:00 p.m., and Thursday, September 4, 2014, 8:30 a.m. to 5:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 3H42, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–2779, or *ann.b.delo@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The meeting will be available telephonically and by WebEx. Any interested person may call the USA toll free conference call number 888–790–1713, passcode 1606471, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/;* the meeting number on September 3 is 997 771 284, Password is PSS@Sept3; and the meeting number on September 4 is 994 358 099, Password is PSS@Sept4. The agenda for the meeting includes the following topics:

—Planetary Science Division Update
—Planetary Science Division Research and Analysis Program Update
—Reports from Analysis Groups
—Annual review of Planetary Government Performance and Results Act (GPRA) Modernization Act (MA)

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals

attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ann Delo via email at *ann.b.delo@nasa.gov* or by fax at (202) 358–2779. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ann Delo.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2014–16606 Filed 7–15–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 14–075]

NASA Advisory Council; Science Committee; Astrophysics Subcommittee; Meeting

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Astrophysics Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Monday, August 11 and Tuesday, August 12, 2014, 8:30 a.m. to 5:00 p.m. (both days), Local Time.

ADDRESSES: NASA Headquarters, Room 7H41, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–2779, or *ann.b.delo@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The meeting will be available telephonically and by WebEx. Any interested person may call the USA toll free conference call number 888–282–9631, passcode 4353550, to participate in this meeting by telephone. Please note, the conference call number and password should be used on both August 11 and August 12, 2014. The WebEx link is *https://nasa.webex.com/;* the meeting number on August 11 is 999 006 232, Password is APS@Aug11; and the meeting number on August 12 is 993 138 159, Password is APS@Aug12. The agenda for the meeting includes the following topics:

—Astrophysics Program Update
—Astrophysics Missions Update
—Astrophysics Research and Analysis Program Update

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ann Delo via email at *ann.b.delo@nasa.gov* or by fax at (202) 358–2779. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ann Delo.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2014–16607 Filed 7–15–14; 8:45 am]

BILLING CODE 7510–13–P

PEACE CORPS

Privacy Act of 1974; Report of an Altered System of Records

AGENCY: Peace Corps.

ACTION: Notice to revise two existing systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Peace Corps proposes to revise two existing systems of records: Volunteer Applicant and Service Records System (PC–17) and Former Peace Corps Volunteer and Staff Database (PC–18). The purpose of these alterations is to add a new routine use to each SORN. The Peace Corps considers certain information about individual Volunteers/Trainees to be "public information." The new routine use will allow the Peace Corps to disclose the "public information" as it deems appropriate.

DATES: The revisions to both systems will become effective September 2, 2014 without further action, unless adverse comments are received by Peace Corps by August 15, 2014.

ADDRESSES: You may submit comments by email to pcfr@peacecorps.gov. Include Privacy Act System of Records in the subject line of the message. You may also submit comments by mail to Denora Miller, Privacy Act Officer, Peace Corps, 1111 20th Street NW., Washington, DC 20526. Contact Denora Miller for copies of comments.

FOR FURTHER INFORMATION CONTACT: Denora Miller, Privacy Act Officer, 202–692–1236, *pcfr@peacecorps.gov.*

SUPPLEMENTARY INFORMATION: The Peace Corps proposes to revise two existing systems of records: Volunteer Applicant and Service Records System (PC–17) and Former Peace Corps Volunteer and Staff Database (PC–18) to add a new routine use for each System of Records. As routine use "(n)" for PC–17 and as routine use "(c)" for PC–18, the new routine use will allow the Peace Corps to disclose certain information about current and former Volunteers/Trainees as "public information." The public information is limited to: Name, country of service and dates of service for current and former Peace Corps Volunteers/Trainees. Requests for public information will be processed through the Freedom of Information Act (FOIA) office. If additional information is requested it will be processed in accordance with the FOIA. The Peace Corps may also disclose the information under these two routine uses to the public as it deems appropriate.

The Privacy Act, 5 U.S.C. 552a, provides that the public will be given a 30-day period in which to comment on the new system. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which

to review the proposed system. In accordance with 5 U.S.C. 552a, Peace Corps has provided a report on this system to OMB and the Congress. The Peace Corps is publishing changes which affect the public's right or need to know.

SYSTEM NAME:

PC–17—Peace Corps, Volunteer Applicant and Service Records System.

CHANGES:

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

After specific Routine Use (m) add specific Routine Use (n) stating, "Regarding the name, country of service and dates of service for current and former Peace Corps Volunteers/Trainees: This information is considered public information and may be disclosed to any person upon request and to the public as the Peace Corps deems appropriate."

* * * * *

SYSTEM NAME:

PC–18—Peace Corps, Former Peace Corps Volunteers and Staff Database.

CHANGES:

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

After specific Routine Use (b) add specific Routine Use (c) stating, "Regarding the name, country of service and dates of service for former Peace Corps Volunteers/Trainees: This information is considered public information and may be disclosed to any person upon request and to the public as the Peace Corps deems appropriate."

* * * * *

This notice is issued in Washington, DC, on July 10, 2014.

Garry W. Stanberry,

Acting Associate Director, Management.

[FR Doc. 2014–16676 Filed 7–15–14; 8:45 am]

BILLING CODE 6051–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: OPM Online Form 1417, Combined Federal Campaign Results Report

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Combined Federal Campaign, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an information collection request (ICR) 3206–0193, OPM 1417, the Combined Federal Campaign Results Report. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until September 15, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Office of Combined Federal Campaign, Office of Personnel Management, 1900 E. Street NW., Washington, DC 20415, Attention: Marcus Glasgow or sent via electronic mail to *marcus.glasgow@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Combined Federal Campaign, Office of Personnel Management, 1900 E. Street NW., Washington, DC 20415, Attention: Marcus Glasgow or sent via electronic mail to *marcus.glasgow@opm.gov.*

SUPPLEMENTARY INFORMATION: The Combined Federal Campaign (CFC) is the world's largest and most successful annual workplace philanthropic giving campaign, with 151 CFC campaigns throughout the country and overseas raising millions of dollars each year. The mission of the CFC is to promote and support philanthropy through a program that is employee focused, cost-efficient, and effective in providing all federal employees the opportunity to improve the quality of life for all.

The CFC OPM Online Form 1417 collects information from the 151 local CFC campaigns to verify campaign results and collect contact information. Revisions to the form include clarifying edits to item number 13 of the Campaign Results Totals screen; clarifying edits and expansion of item numbers 14 and 17 of the Campaign Results Totals screen; the elimination of item numbers 16, 18, and 19 of the Campaign Results Totals screen; and the inclusion of verbiage on the Summary Report screen that states that the OPM Form 1417 is not complete without the submission, by email, of the relevant designation data.

The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Combined Federal Campaign, Office of Personnel Management.

Title: OPM Online Form 1417, Combined Federal Campaign Results Report.

OMB Number: 3260–0193.

Frequency: Annually.

Affected Public: Principal Combined Fund Organizations.

Number of Respondents: 151.

Estimated Time Per Respondent: 40 minutes.

Total Burden Hours: 101 hours.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–16661 Filed 7–15–14; 8:45 am]

BILLING CODE 6325–58–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Marital Status Certification Survey, RI 25–7, 3206–0033

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0033, Marital Status Certification Survey. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106),

OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until September 15, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Retirement Services, Operations Support, Office of Personnel Management, Union Square Room 370, 1900 E Street NW., Washington, DC 20415–3500, Attention: Alberta Butler or via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

RI 25–7 is used to determine whether widows, widowers, and former spouses receiving survivor annuities from OPM have remarried before reaching age 55 and, thus, are no longer eligible for benefits.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.
Title: Marital Status Certification Survey.
OMB Number: 3206–0033.
Frequency: Annually.
Affected Public: Individuals or Households.
Number of Respondents: 24,000.
Estimated Time Per Respondent: 15 minutes.
Total Burden Hours: 6,000 hours.

U.S. Office of Personnel Management.
Katherine Archuleta,
Director.

[FR Doc. 2014–16646 Filed 7–15–14; 8:45 am]
BILLING CODE 6325–38–P

U.S. OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Alternative Annuity Election, RI 20–80, 3206–0168

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0168, Alternative Annuity Election. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until September 15, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, Operations Support, Office of Personnel Management, Union Square Room 370, 1900 E. Street NW., Washington, DC 20415–3500, Attention: Alberta Butler, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E. Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

RI 20–80 is used for individuals who are eligible to elect whether to receive a reduced annuity and a lump-sum payment equal to their retirement contributions (alternative form of annuity) or an unreduced annuity and no lump sum.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.
Title: Alternative Annuity Election.
OMB Number: 3206–0168.
Frequency: On occasion.
Affected Public: Individuals or Households.
Number of Respondents: 200.
Estimated Time Per Respondent: 20 minutes.
Total Burden Hours: 67 hours.

U.S. Office of Personnel Management.
Katherine Archuleta,
Director.

[FR Doc. 2014–16654 Filed 7–15–14; 8:45 am]
BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Request for Change to Unreduced Annuity, RI 20–120, 3206–0245

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0245, Request for Change to

Unreduced Annuity. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until September 15, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Retirement Services, Operations Support, Office of Personnel Management, Union Square Room 370, 1900 E Street NW., Washington, DC 20415–3500, Attention: Alberta Butler, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

RI 20–120 is designed to collect information the Office of Personnel Management needs to comply with the wishes of the retired Federal employee whose marriage has ended. This form provides an organized way for the retiree to give us everything at one time.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Request for Change to Unreduced Annuity.

OMB Number: 3206–0245.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 5,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 2,500.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–16642 Filed 7–15–14; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Verification of Who is Getting Payments, RI 38–107 and RI 38–147, 3206–0197

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0197, Verification of Who is Getting Payments. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until September 15, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Retirement Services, Operations Support, Office of Personnel Management, Union Square Room 370, 1900 E Street NW., Washington, DC 20415–3500, Attention: Alberta Butler or via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

RI 38–107 is designed for use by the Retirement Inspection Branch when OPM, for any reason, must verify that the entitled person is indeed receiving the monies payable. RI 38–147 collects the same information and is used by other groups within Retirement Operations. Failure to collect this information would cause OPM to pay monies absent the assurance of a correct payee.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Verification of Who is Getting Payments.

OMB Number: 3206–0197.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 25,400.

Estimated Time Per Respondent: 10 minutes.

Total Burden Hours: 4,234 hours.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–16641 Filed 7–15–14; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Application for Deferred Retirement (For persons separated on or after October 1, 1956), OPM 1496A, 3206–0121

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0121, Application for Deferred Retirement (For persons separated on or after October 1, 1956). As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until September 15, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Retirement Services, Operations Support, Office of Personnel Management, Union Square Room 370, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20503, Attention: Cyrus S. Benson or sent via electronic mail to *Cyrus.Benson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

OPM 1496A, is used by eligible former Federal employees to apply for a deferred Civil Service annuity.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Deferred Retirement (For persons separated on or after October 1, 1956).

OMB Number: 3206–0121.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 2,800.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 2,800.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–16659 Filed 7–15–14; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Application for Death Benefits Under the Civil Service Retirement System (CSRS), SF 2800; Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (CSRS), SF 2800A, 3206–0156

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection (ICR) 3206–0156, Application for Death Benefits (CSRS)/ Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (CSRS). As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until September 15, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Retirement Services, Operations Support, Office of Personnel Management, Union Square Room 370, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20503, Attention: Cyrus S. Benson or sent via electronic mail to *Cyrus.Benson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

SF 2800 is needed to collect information so that OPM can pay death benefits to the survivors of Federal employees and annuitants. SF 2800A is needed for deaths in service so that survivors can make the needed elections regarding military service.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Death Benefits Under the Civil Service Retirement System and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death.

OMB Number: 3206–0156.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: SF 2800 = 68,000 and SF 2800A = 6,800.

Estimated Time per Respondent: 45 minutes.

Total Burden Hours: 56,100 hours.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–16639 Filed 7–15–14; 8:45 am]

BILLING CODE 6325–38–P

PRESIDIO TRUST

Notice of Public Meeting of Fort Scott Council

AGENCY: The Presidio Trust.

ACTION: Notice of public meeting of Fort Scott Council.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given that a public meeting of the Fort Scott Council (Council) will be held from 8:30 a.m. to 12:30 p.m. on Monday, August 18, 2014. The meeting is open to the public, and oral public comment will be received at the meeting. The Council was formed to advise the Executive Director of the Presidio Trust (Trust) on matters pertaining to the rehabilitation and reuse of Fort Winfield Scott as a new national center focused on service and leadership development.

SUPPLEMENTARY INFORMATION: The Trust's Executive Director, in consultation with the Chair of the Board of Directors, has determined that the Council is in the public interest and supports the Trust in performing its duties and responsibilities under the Presidio Trust Act, 16 U.S.C. 460bb appendix.

The Council will advise on the establishment of a new national center (Presidio Institute) focused on service and leadership development, with specific emphasis on: (a) Assessing the role and key opportunities of a national center dedicated to service and leadership at Fort Scott in the Presidio of San Francisco; (b) providing recommendations related to the Presidio Institute's programmatic goals, target audiences, content, implementation and evaluation; (c) providing guidance on a phased development approach that leverages a combination of funding sources including philanthropy; and (d) making recommendations on how to structure the Presidio Institute's business model to best achieve the Presidio Institute's mission and ensure long-term financial self-sufficiency.

Meeting Agenda: This meeting of the Council will feature a messaging and communications presentation and Council discussion. Staff members will provide updates on Presidio Institute programs. The period from 12:00 p.m. to 12:30 p.m. will be reserved for public comments.

Public Comment: Individuals who would like to offer comments are invited to sign-up at the meeting and speaking times will be assigned on a first-come, first-served basis. Written comments may be submitted on cards that will be provided at the meeting, via mail to Aimee Vincent, Presidio Institute, 1201 Ralston Avenue, San Francisco, CA 94129–0052, or via email to *institute@presidiotrust.gov.* If individuals submitting written comments request that their address or other contact information be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently at the beginning of the comments. The Trust will make available for public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses.

Time: The meeting will be held from 8:30 a.m. to 12:30 p.m. on Monday, August 18, 2014.

Location: The meeting will be held at the Presidio Institute, Building 1202 Ralston Avenue, San Francisco, CA 94129.

FOR FURTHER INFORMATION CONTACT: Additional information is available online at *http://www.presidio.gov/explore/Pages/fort-scott-council.aspx.*

Dated: July 9, 2014.

Karen A. Cook,

General Counsel.

[FR Doc. 2014–16688 Filed 7–15–14; 8:45 am]

BILLING CODE 4310–4R–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Request for Internet Services, OMB 3220–0198. The RRB uses a Personal Identification Number (PIN)/Password system that allows RRB customers to conduct business with the agency electronically. As part of the system, the RRB collects information needed to establish a unique PIN/Password that allows customer access to RRB Internet-based services. The information collected is matched against records of the railroad employee that are maintained by the RRB. If the information is verified, the request is approved and the RRB mails a Password Request Code (PRC) to the requestor. If the information provided cannot be verified, the requestor is advised to contact the nearest field office of the RRB to resolve the discrepancy. Once a PRC is obtained from the RRB, the requestor can apply for a PIN/Password online. Once the PIN/Password has been established, the requestor has access to RRB Internet-based services.

Completion is voluntary, however, the RRB will be unable to provide a PRC or allow a requestor to establish a PIN/Password (thereby denying system access), if the requests are not completed. The RRB proposes no changes to the PRC and PIN/Password screens.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

[The estimated annual respondent burden is as follows]

Form No.	Annual responses	Time (minutes)	Burden (hours)
PRC	12,500	5.0	1,042
Pin/Password	20,000	1.5	500
Total	32,500		1,542

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV*. Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or emailed to *Charles.Mierzwa@RRB.GOV*. Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2014–16776 Filed 7–15–14; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72590; File No. SR–BYX–2014–009]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Y-Exchange, Inc.

July 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2014, BATS Y-Exchange, Inc. (the "Exchange" or "BYX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BYX Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its fee schedule applicable to use of the Exchange in order to modify the way that, for purposes of tiered pricing on the Exchange, the Exchange calculates ADAV and average daily TCV (as such terms are defined below).

Currently, the Exchange determines the liquidity adding fee that it will charge to Members based on the Exchange's tiered pricing structure by excluding from the calculation of ADAV[6] and average daily TCV[7] any day that an Exchange System Disruption[8] occurs as well as the last Friday in June (the "Russell Reconstitution Day").

The Exchange excludes these days from the calculation of ADAV and TCV in order to avoid penalizing Members that might otherwise qualify for certain tiered pricing but that, because of special circumstances on a particular day, did not participate on the Exchange to the extent that they might have otherwise participated. Similarly, the Exchange believes that scheduled early market closes, which typically are the day before or after a holiday, may preclude some Members from submitting orders to the Exchange at the same level as they might otherwise. The Exchange notes that it is not proposing to modify any of the existing fees or the percentage thresholds at which a Member may qualify for certain fees pursuant to the tiered pricing structure. Rather, as mentioned above, the Exchange is proposing to modify its fee schedule to exclude trading activity occurring on any day with a scheduled early market close.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[9] Specifically, the Exchange believes that the proposed rule change is consistent

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

[6] As provided in the fee schedule, "ADAV" means average daily volume calculated as the number of shares added per day on a monthly basis.

[7] As provided in the fee schedule, "TCV" means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[8] As provided in the fee schedule, "Exchange Systems Disruption" means any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours.

[9] 15 U.S.C. 78f.

with Section 6(b)(4) of the Act,[10] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive.

With respect to the proposed changes to the calculation of tiered pricing for adding liquidity to the Exchange, the Exchange believes that its proposal is reasonable because, as explained above, it will help provide Members with a greater level of certainty as to their level of fees for trading in any month where there is a scheduled early market close. The Exchange is not proposing to amend the thresholds a Member must achieve to become eligible for, or the dollar value associated with, the tiered fees. Eliminating the inclusion of any day with a scheduled early market close would, in many cases, be excluding a day that would otherwise lower a Member's ADAV as a percentage of average daily TCV. Thus, the proposed change will make the majority of Members more likely to meet the minimum or higher tier thresholds, incentivizing Members to increase their participation on the Exchange in order to meet the next highest tier. In addition, the Exchange believes that the proposed changes to its fee schedule are equitably allocated among Exchange constituents and not unfairly discriminatory as the methodology for calculating ADAV and TCV will apply equally to all Members.

Volume-based tiers such as the liquidity adding tiers maintained by the Exchange have been widely adopted, and are equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide higher rebates or lower fees that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process. Accordingly, the Exchange believes that the proposal is equitably allocated and not unfairly discriminatory because it is consistent with the overall goals of enhancing market quality. Further, the Exchange believes that a tiered pricing model not significantly altered by a day of atypical trading behavior which allows Members to predictably calculate what their costs associated with trading activity on the Exchange will be is reasonable, fair and equitable and not unreasonably discriminatory as it is uniform in application amongst Members and should enable such participants to operate their business without concern of unpredictable and potentially significant changes in expenses.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposed change will help to promote intramarket competition by avoiding a penalty to Members for days when overall trading activity might be significantly lower than a typical trading day. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the deem fee structures to be unreasonable or excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 thereunder.[12] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2014–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BYX–2014–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BYX–2014–009 and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16665 Filed 7–15–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72585; File No. SR–C2–2014–013]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Options Regulatory Fee

July 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2014, C2 Options Exchange, Incorporated (the "Exchange" or "C2") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the Options Regulatory Fee. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has reevaluated the current amount of the Options Regulatory Fee ("ORF") in light of better than expected trading volume so far in 2014 among other factors. To seek to ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs, the Exchange proposes to reduce the ORF from $.0012 per contract to $.0002 per contract. The proposed fee change would be operative on August 1, 2014.

The ORF is assessed by the Exchange to each Permit Holder for all options transactions executed or cleared by the Permit Holder that are cleared by The Options Clearing Corporation ("OCC") in the customer range (i.e., transactions that clear in a customer account at OCC) regardless of the marketplace of execution. In other words, the Exchange imposes the ORF on all customer-range transactions executed by a Permit Holder, even if the transactions do not take place on the Exchange.[3] The ORF also is charged for transactions that are not executed by a Permit Holder but are ultimately cleared by a Permit Holder. In the case where a Permit Holder executes a transaction and a different Permit Holder clears the transaction, the ORF is assessed to the Permit Holder who executed the transaction. In the case where a non-Permit Holder executes a transaction and a Permit Holder clears the transaction, the ORF is assessed to the Permit Holder who clears the transaction. The ORF is collected indirectly from Permit Holders through their clearing firms by OCC on behalf of the Exchange.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Permit Holder customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs. The Exchange notes that its regulatory responsibilities with respect to Permit Holder compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation.

The Exchange will monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies Permit Holders of adjustments to the ORF via regulatory circular.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Permit Holders and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed reduction of the ORF is reasonable in that the Exchange is seeking to ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs in light of better than expected trading volume so far in 2014 and other factors. The Exchange believes the ORF is equitable and not unfairly discriminatory in that it is charged to all Permit Holders on all their transactions that clear in the customer range at the OCC. Moreover, the Exchange believes the ORF ensures fairness by assessing higher fees to those Permit Holders that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange rules require each Permit Holder to record the appropriate account origin code on all orders at the time of entry in order to allow the Exchange to properly prioritize and route orders and assess transaction fees pursuant to the rules of the Exchange and report resulting transactions to the OCC. C2 order origin codes are defined in C2 Regulatory Circular RG13–015. The Exchange represents that it has surveillances in place to verify that Trading Permit Holders mark orders with the correct account origin code.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] *Id.*

automated and less labor-intensive. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., Permit Holder proprietary transactions) of its regulatory program.[7]

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues. Rather, the proposed rule change is designed to help the Exchange to adequately fund its regulatory activities while seeking to ensure that total regulatory revenues do not exceed total regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and paragraph (f) of Rule 19b–4[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2014–013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2014–013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2014–013, and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16649 Filed 7–15–14; 8:45 am]

BILLING CODE 8011–01–P

[7] If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on Permit Holder proprietary transactions if the Exchange deems it advisable.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72586; File No. SR–CBOE–2014–053]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Options Regulatory Fee

July 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2014, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") proposes to amend the Options Regulatory Fee. The text of the proposed rule change is available on the Exchange's Web site *(http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx)*, at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has reevaluated the current amount of the Options Regulatory Fee ("ORF") in light of better than expected trading volume so far in 2014 among other factors. To seek to ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs, the Exchange proposes to reduce the ORF from $.0095 per contract to $.0086 per contract. The proposed fee change would be operative on August 1, 2014.

The ORF is assessed by the Exchange to each Trading Permit Holder for all options transactions executed or cleared by the Trading Permit Holder that are cleared by The Options Clearing Corporation ("OCC") in the customer range (i.e., transactions that clear in a customer account at OCC) regardless of the marketplace of execution. In other words, the Exchange imposes the ORF on all customer-range transactions executed by a Trading Permit Holder, even if the transactions do not take place on the Exchange.[3] The ORF also is charged for transactions that are not executed by a Trading Permit Holder but are ultimately cleared by a Trading Permit Holder. In the case where a Trading Permit Holder executes a transaction and a different Trading Permit Holder clears the transaction, the ORF is assessed to the Trading Permit Holder who executed the transaction. In the case where a non-Trading Permit Holder executes a transaction and a Trading Permit Holder clears the transaction, the ORF is assessed to the Trading Permit Holder who clears the transaction. The ORF is collected indirectly from Trading Permit Holders through their clearing firms by OCC on behalf of the Exchange.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Trading Permit Holder customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs. The Exchange notes that its regulatory responsibilities with respect to Trading Permit Holder compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies Trading Permit Holders of adjustments to the ORF via regulatory circular.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed reduction of the ORF is reasonable in that the Exchange is seeking to ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs in light of better than expected trading volume so far in 2014 and other factors. The Exchange believes the ORF is equitable and not unfairly discriminatory in that it is charged to all Trading Permit Holders on all their transactions that clear in the customer range at the OCC. Moreover, the Exchange believes the ORF ensures fairness by assessing higher fees to those Trading Permit Holders that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., Trading Permit Holder proprietary transactions) of its regulatory program.[7]

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues. Rather, the proposed rule change is designed to help the Exchange to adequately fund its regulatory activities while seeking to ensure that total regulatory revenues do not exceed total regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and paragraph (f) of Rule 19b–4[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

[3] Exchange rules require each Trading Permit Holder to record the appropriate account origin code on all orders at the time of entry in order to allow the Exchange to properly prioritize and route orders and assess transaction fees pursuant to the rules of the Exchange and report resulting transactions to the OCC. CBOE order origin codes are defined in CBOE Regulatory Circular RG13–038. The Exchange represents that it has surveillances in place to verify that Trading Permit Holders mark orders with the correct account origin code.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] *Id.*

[7] If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on Trading Permit Holder proprietary transactions if the Exchange deems it advisable.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f).

Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2014–053 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–053. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–053, and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16650 Filed 7–15–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72584; File No. SR–BX–2014–036]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Fees and Rebates for Various Options

July 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2014, NASDAQ OMX BX, Inc. ("BX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BX Options Rules, Chapter XV, Section 2 entitled "BX Options Market—Fees and Rebates" to amend fees and rebates for various options.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

BX proposes to amend certain rebates and fees in Chapter XV, Section 2(1), Fees for Execution of Contracts on the BX Options Market. Specifically, the Exchange proposes to: (i) Increase the BX Options Fee to Remove Liquidity for BX Options Market Makers as well as Non-Customers in Penny Pilot[3] Options and Non-Penny Pilot Options; and (ii) increase the BX Options Customer Rebate to Remove Liquidity in certain Penny Pilot Options from $0.32 to $0.35 per contract, as explained further below.

First, the BX Options Fee to Remove Liquidity for BX Options Market Makers and Non-Customers will increase from $0.45 per contract to $0.46 per contract in all Penny Pilot Options. Penny Pilot Options include two categories of options that are part of the Penny Pilot: (i) Certain options that are specified on the Exchange's pricing schedule[4] and (ii) all other Penny Pilot Options. Accordingly, this proposal raises the BX Options Fee to Remove Liquidity for BX Options Market Makers and Non-Customers for all Penny Pilot Options; the fee is currently the same ($0.45 per contract) and will continue to be the same $0.46 per contract) for all Penny Pilot Options. The Exchange is similarly proposing to increase the Fee for Removing Liquidity for BX Options Market Makers and Non-Customers in Non-Penny Pilot Options from $0.88 to $0.89 per contract. Non-Customers

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Penny Pilot on BX Options was established in June 2012, and was expanded and extended through December 31, 2014. *See* Securities Exchange Act Release Nos. 67256 (June 26, 2012), 77 FR 39277 (July 2, 2012) (SR–BX–2012–030) (order approving BX Options rules and establishing Penny Pilot); 67342 (July 3, 2012), 77 FR 40666 (July 10, 2012) (SR–BX–2012–046) (notice of filing and immediate effectiveness expanding and extending Penny Pilot); 68518 (December 21, 2012), 77 FR 77152 (December 31, 2012) (SR–BX–2012–076) (notice of filing and immediate effectiveness expanding and extending Penny Pilot); 69784 (June 18, 2013), 78 FR 37873 (June 24, 2013) (SR–BX–2013–039); 71107 (December 12, 2013), 78 FR 77528 (December 23, 2013) (SR–BX–2013–061) (notice of filing and immediate effectiveness expanding and extending Penny Pilot); and 72246 (May 23, 2014), 79 FR 31160 (May 30, 2014) SR–BX–2014–027) (notice of filing and immediate effectiveness expanding and extending Penny Pilot).

[4] These include options on Bank of America Corporation ("BAC"), iShares Russell 2000 Index ("IWM"), PowerShares QQQ ("QQQ"), SPDR S&P 500 ("SPY"), and iPath S&P 500 VIX St Futures ETN ("VXX") (together, "Specified Penny Pilot Options").

include a Professional, Firm, Broker-Dealer and Non-BX Options Market Maker. These modest increases are intended to defray the cost of the proposed increased rebate, which is described below.

Second, the Exchange proposes to increase the BX Options Customer Rebate to Remove Liquidity in Penny Pilot Options from $0.32 per contract to $0.35 per contract. This change does not apply to Penny Pilot Options overlying the following stocks: BAC, IWM, QQQ and SPY, because there is no rebate in those particular options.

The Exchange believes that the proposed amended BX Options fees are competitive and should encourage BX members to transact business on the Exchange.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and with Section 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which BX operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, as explained further below.

The proposed increase in the Fee to Remove Liquidity for BX Options Market Makers and Non-Customers from $0.45 per contract to $0.46 per contract in all Penny Pilot Options is reasonable, because it is a very modest increase. In addition, it is similar to the fees charged by The NASDAQ Stock Market LLC's NASDAQ Options Market ("NOM") (which is $0.48 per contract for xxx [sic]) and NASDAQ OMX PHLX (which charges $0.48 per contract). Similarly, the increase in the Fee for Removing Liquidity for BX Options Market Makers and Non-Customers in Non-Penny Pilot Options from $0.88 to $0.89 per contract is also reasonable, because it is a very modest increase, and would result in the same fee as NOM currently charges. These proposed increases are equitable and not unfairly discriminatory, because they apply to all BX Options Market Makers and Non-Customers in Penny Pilot Options equally.[7]

The proposal to increase the Customer Rebate to Remove Liquidity in Penny Pilot Options from $0.32 per contract to $0.35 per contract is intended to attract additional customer business to BX Options. This, in turn, should bring more liquidity to the BX Options marketplace, which should benefit all market participants. The Exchange believes that the increase in the rebate is reasonable, because it is modest. The rebate has been $0.32 since it was first established in 2012.[8] The Exchange pays the Rebate to Add Liquidity to a Customer only when the Customer is contra to a Non-Customer or BX Options Market Maker.

The Exchange believes the proposed Customer Rebate to Remove Liquidity in Penny Pilot Options is equitable and not unfairly discriminatory, because it is available to all Customers. In addition, the Exchange believes the proposal is equitable and not unfairly discriminatory, because the Exchange desires to incentivize participants to transact Customer orders on the Exchange and obtain this rebate. The Exchange believes that this rebate will incentivize members to bring order flow and increase the liquidity on the Exchange to the benefit of all market participants. Further, the Exchange also believes that it continues to be reasonable, equitable and not unfairly discriminatory to only offer the Rebate to Remove Liquidity to Customers and not to other market participants as an incentive to attract Customer order flow to the Exchange. As the Exchange stated when adopting this rebate,[9] it is an important Exchange function to provide an opportunity to all market participants to trade against Customer orders.

Customer order flow benefits all market participants by improving liquidity, the quality of order interaction and executions at the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

BX does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, BX has designed its fees and rebates to compete effectively for the execution and routing of options contracts. The Exchange operates in a highly competitive market comprised of twelve U.S. options exchanges in which sophisticated and knowledgeable market participants can and do send order flow to competing exchanges if they deem fee levels at a particular exchange to be excessive. The Exchange believes that the proposed fee and rebate program discussed herein is competitive. The Exchange believes that this competitive marketplace materially impacts the fees and rebates present on the Exchange today and substantially influences the proposal set forth above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2014–036 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2014–036. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] Customers do not pay a Fee for Removing Liquidity in any options.

[8] *See* Securities Exchange Act Release No. 67339 (July 3, 2012), 77 FR 40688 (July 10, 2012) (SR–BX–2012–043) (notice of filing and immediate effectiveness of proposed rule change to adopt transaction and routing fees).

[9] *Id.*

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2014–036, and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16648 Filed 7–15–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72583; File No. SR–MIAX–2014–37]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

July 10, 2014.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 30, 2014, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend its Fee Schedule. The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing*, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish a monthly transaction fee cap of $60,000 for orders that are entered and executed for an account identified by an Electronic Exchange Member for clearing in the OCC "Firm" range "Monthly Firm Fee Cap." The Monthly Firm Fee Cap is based on the similar fees of another competing options exchange.[3]

The current transaction fees for Firms on the Exchange are $0.25 transaction fee for executions in standard option contracts and $0.025 transaction fee for Mini Option contracts. As proposed, in a single billing month the total amount of transaction fees for Firms would be capped and thus would not exceed $60,000. Members must notify the Exchange in writing of all accounts in which the Member is not trading in its own proprietary account. The Exchange will not make adjustments to billing invoices where transactions are commingled in accounts which are not subject to the Monthly Firm Fee Cap.

Mini Option contracts are not eligible for inclusion in the Monthly Firm Fee Cap. Firm transactions in Mini Options, however, will continue to be executed at the rate of $0.025 per contract. Mini Options contracts are excluded from the Monthly Firm Fee Cap because the cost to the Exchange to process quotes, orders and trades in Mini Options is the same as for standard options. This, coupled with the lower per-contract transaction fees charged to other market participants, makes it impractical to offer Members a transaction fee cap for Firm Mini Option volume that they transact. The Exchange notes that this exclusion is nearly identical to ones made by other exchanges.[4]

The proposed Monthly Firm Fee Cap is intended to create an additional incentive for Firms to send order flow to the Exchange. The Exchange believes that the proposed Monthly Firm Fee Cap would increase both intermarket and intramarket competition by incenting Firms on other exchanges to direct additional orders to the Exchange to allow the Exchange to compete more effectively with other options exchanges for such transactions.

The Exchange proposes to implement the new transaction fees beginning July 1, 2014.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(4) of the Act[6] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes that the proposal is fair, equitable and not unreasonably [sic] discriminatory. The proposed Monthly Firm Fee Cap is reasonable because it is designed to be lower than the range of similar transaction fees on another competing

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* NASDAQ OMX PHLX LLC Pricing Schedule, Section II. *See also* Securities Exchange Act Release Nos. 59393 (February 11, 2009). 74 FR 7721 (February 19, 2009) (SR–PHLX–2009–12); 65888 (December 5, 2011), 76 FR 77046 (December 9, 2011) (SR–PHLX–2011–160). *See also* NYSE Amex Options Fee Schedule, p. 17. In contrast to PHLX and NYSE MKT, the Exchange does not propose to exclude all dividend, merger, and short stock interest strategy executions from the Monthly Firm Fee Cap. In addition, in contrast to PHLX, the Exchange does not at this time propose to apply the Monthly Firm Fee Cap to proprietary orders effected for the purpose of hedging the proprietary over-the-counter trading of an affiliate of a Member that qualifies for the Monthly Firm Fee Cap. Further, in contrast to PHLX and NYSE MKT which apply to floor and manual transactions respectively, since the Exchange is a fully electronic exchange and thus does not have a trading floor or manual trading, the Monthly Firm Fee Cap will apply to electronic Firm transactions.

[4] *See* NASDAQ OMX PHLX LLC Pricing Schedule, Preface A; NYSE Amex Options Fee Schedule, p. 17.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

options exchange in order to increase competition for order flow from Firms. The proposed fees are fair and equitable and not unreasonably [sic] discriminatory because they will apply equally to all Members that have transactions that clear in the Firm range. All Firms will be subject to the same transaction fee, and access to the Exchange is offered on terms that are not unfairly discriminatory. Providing a fee cap for Firms and not for other types of transactions is not unfairly discriminatory, because it is intended as a competitive response to create an additional incentive for Firms to send order flow to the Exchange in a manner consistent with other exchanges. Firms that value such incentives will have another venue to send their order flow. To the extent that there is additional competitive burden on non-Firm Members, the Exchange believes that this is appropriate because the proposal should incent Members to direct additional order flow to the Exchange and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees are lower than the range of similar transaction fees found on other options exchanges; therefore, the Exchange believes the proposal is consistent with robust competition by increasing the intermarket competition for order flow from Firms. To the extent that there is additional competitive burden on non-Firm Members, the Exchange believes that this is appropriate because the proposal should incent Members to direct additional order flow to the Exchange and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposal reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[7] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml)*; or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MIAX–2014–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2014–37. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml)*. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–37 and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16647 Filed 7–15–14; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72591; File No. SRNYSEArca–2014–75]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Amending NYSE Arca Equities Rules 7.6, 7.11, 7.16, 7.31, 7.34, 7.35, 7.37 and 7.65 To Eliminate Certain Order Types, Modifiers and Related References

July 10, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the

[1] 15 U.S.C.78s (b)(1).

"Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 27, 2014, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rules 7.6, 7.11, 7.16, 7.31, 7.34, 7.35, 7.37 and 7.65 to eliminate certain order types, modifiers and related references. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Arca Equities Rules 7.6, 7.11, 7.16, 7.31, 7.34, 7.35, 7.37 and 7.65[4] to eliminate certain order types, modifiers and related references. The Exchange proposes to eliminate the order types and modifiers specified below in order to streamline its rules and reduce complexity among its order type offerings.[5] The Exchange also proposes to eliminate references in Rules 7.6, 7.34 and 7.35 to the Midpoint Directed Fill and Cleanup Order, which were recently deleted.[6]

Elimination of Five Working Orders (Rule 7.31(h))

The Exchange proposes to eliminate, and thus delete from its rules, five Working Orders (and certain related combinations), which are orders, defined in Rule 7.31(h), with a conditional or undisplayed price and/or size.

First, the Exchange proposes to eliminate Passive Discretionary Orders, which are Discretionary Orders that may route to an away market if marketable upon arrival, but otherwise will not route and will not trade through a protected quotation. To reflect this elimination, the Exchange proposes to delete the following:

- Rule 7.31(h)(2)(A), which defines the order type;
- Rule 7.37(b)(2)(A)(iv),[7] which governs the determination of a Passive Discretionary Order's execution price; and
- the references to Passive Discretionary Orders in Rules 7.11(a)(6), 7.11(a)(6)(C), and 7.37(b)(2)(C).[8]

Second, the Exchange proposes to eliminate Discretion Limit Orders. As defined in Rule 7.31(h)(2)(B), if the discretionary price of a Discretion Limit Order can be matched against trading interest in the NYSE Arca Book, then such order will be executed at the discretionary price or better. If the discretionary price of a Discretion Limit Order can be matched against a Protected Quotation, it would be routed but only if the displayed share size of the Discretion Limit Order is equal to or less than the displayed share size of the away market participant. To effect this elimination, the Exchange proposes to delete Rule 7.31(h)(2)(B) and references to Discretion Limit Orders in Rules 7.11(a)(6) and 7.11(a)(6)(C).

Third, the Exchange proposes to eliminate Sweep Reserve Orders, which provides for routing the displayed portion of a Reserve Order if the displayed price of a Sweep Reserve Order is marketable against an away market participant(s). Based on User instructions, the order may be routed (1) serially as component orders, such that each component corresponds to the displayed size, or (2) only once in its entirety, including both the displayed and reserve portions. To effect this elimination, the Exchange proposes to delete Rule 7.31(h)(3)(A) and delete the references to Sweep Reserve Orders in Rule 7.31(h)(3)(C) and in Rule 7.11(a)(6)(C).[9]

Fourth, the Exchange proposes to eliminate Random Reserve Orders, which have a random reserve value (expressed in share quantity) that, as a range of round lots, will vary the displayed size of the Reserve Order. To effect this elimination, the Exchange proposes to delete Rule 7.31(h)(3)(B) and references to the Random Reserve Order in Rule 7.11(a)(6)(C).

Finally, the Exchange proposes to eliminate PL Select Orders, which are Passive Liquidity Orders designated as a PL Select Order to buy or sell a stated amount of a security at a specified, undisplayed price. A PL Select Order retains its standing in execution priority among Passive Liquidity Orders but does not interact with incoming orders that (1) have an IOC time in force condition, or (2) are Intermarket Sweep Orders ("ISO"). An incoming PL Select Order that is marketable will execute against all available contra-side interest without restrictions. To effect this elimination, the Exchange proposes to delete Rule 7.31(h)(7).

Amendment of Cross Order (Rule 7.31(s))

The Exchange proposes to amend the Cross Order Rule to provide that the Exchange will only accept Cross Orders with an Immediate or Cancel ("IOC") designation. To effect this change, the Exchange proposes to amend the definition of Cross Order in Rule 7.31(s), which defines a Cross Order as a two-sided order with instructions to match the identified buy-side with the identified sell-side at a specified price, also known as the "cross price," to add the clause "designated IOC" to clarify that only a Cross Order with such a designation can be entered on the Exchange. Consistent with the current operation of an IOC Cross Order, currently defined in Rule 7.31(aa), the

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] All references to rules in this filing are to the rules of NYSE Arca Equities.

[5] *See* Mary Jo White, Chair, Securities and Exchange Commission, Speech at the Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available at *www.sec.gov/News/Speech/Detail/Speech/1370542004312#.U5HI-fmwJiw*).

[6] *See* Securities Act Release No. 71331 (January 16, 2014), 79 FR 3907 (January 23, 2014) (SR–NYSEArca–2013–92).

[7] The Exchange also proposes to renumber current Rule 7.37(b)(2)(A)(v) as Rule 7.37(b)(2)(A)(iv).

[8] A Passive Discretionary Order can be used in combination with a Reserve Order, defined in Rule 7.31(h)(3), as a limit order with a portion of the size displayed and with a reserve portion of the size (known as a "reserve size") that is undisplayed on the Exchange. In eliminating Passive Discretionary Orders, the Exchange will no longer accept this combination, also known as a Passive Discretionary Reserve Order.

[9] A Sweep Reserve Order can be entered with a discretionary price (known as a Sweep Reserve with Discretion Order) as well as an inside limit price (known as an Inside Limit Sweep Reserve). In deleting Sweep Reserve Orders, the Exchange will also no longer accept these combinations.

Exchange proposes to amend Rule 7.31(s) to provide that Cross Orders that would lock or cross the PBBO or the BBO would be rejected.[10]

In connection with this amendment, the Exchange proposes to move text from Rule 7.31(aa)(1)–(3), which governs the operation of an IOC Cross Order, to Rule 7.31(s) and delete Rules 7.31(s)(1)–(5) as moot for the proposed revised definition of a Cross Order, which must be designated IOC and does not route.

The Exchange also proposes to delete Rule 7.16(f)(v)(G), which provides that short sale cross orders priced at or below the current national best bid will be rejected during the Short Sale Period as defined in Rule 7.16(f)(iv). This provision is also moot since a Cross Order with an IOC designation cannot execute at or below the current national best bid.

Elimination of Six Cross Order Types

The Exchange also proposes to eliminate the following six separately-defined Cross Orders.

First, the Exchange proposes to eliminate the Midpoint Cross Order, which is a Cross Order priced at the midpoint of the PBBO that will be rejected when a locked or crossed market of Protected Quotations exists in that security. To effect this elimination, the Exchange proposes to delete Rule 7.31(y), which defines the Midpoint Cross Order, and delete commentary .04 to Rule 7.6 that includes a reference to Midpoint Cross Orders.

Second, the Exchange proposes to eliminate the IOC Cross Order. By amending Rule 7.31(s) as described above, the Exchange no longer needs to separately define an IOC Cross Order. To effect this elimination, the Exchange proposes to delete Rule 7.31(aa), which describes the IOC Cross Order.

Third, the Exchange proposes to eliminate the Post No Preference (PNP) Cross Order, which is a Cross Order that is to be executed in whole or in part on the Exchange with any portion not so executed canceled, without routing any portion of the PNP Cross Order to another market center. To effect this elimination, the Exchange proposes to delete Rule 7.31(bb).

Fourth, the Exchange proposes to eliminate the Cross-and-Post Order, which is a Cross Order or PNP Cross Order to be executed in whole or in part on the Exchange where any unexecuted portion will be displayed in the NYSE Arca Book at the cross price. To effect this elimination, the Exchange proposes to delete Rule 7.31(ff) and, as noted above, delete the references to Cross and Post Order in Rules 7.31(s)(3) and 7.31(s)(5)(B). The Exchange also proposes to delete references to the PNP Cross and Post Orders in Rules 7.37(d)(1) and 7.37(d)(2) governing order execution.

Fifth, the Exchange proposes to eliminate the Portfolio Crossing Service (PCS) Order. A PCS Order is an order to buy or sell a group of securities, which group includes no fewer than 15 securities having a total market value of $1 million or more. Each individual component of a PCS Order resembles a Cross Order, as defined by Rule 7.31(s), but must also include a unique basket number identifying it as a PCS Order eligible for entry into the Portfolio Crossing Service pursuant to Rule 7.65. To effect this elimination, the Exchange proposes to delete Rule 7.31(ii), describing the PCS Order, and Rule 7.65, which governs the entry of such orders into the PCS. The Exchange also proposes to remove the reference to the PCS in Rule 7.34(g).

Finally, the Exchange proposes to eliminate the Day Cross Order, which is a Cross Order accompanied by a Day Modifier. To effect this elimination, the Exchange proposes, as noted above, to restrict entry of Cross Orders to those with an IOC designation by amending Rule 7.31(s). A Cross Order with a Day Modifier would thus be rejected.

Additional Order Deletion and Amendment

The Exchange proposes to eliminate the following additional order types and modifiers.

First, the Exchange proposes to eliminate the Market to Limit (MTL) Order, which is an un-priced order that, upon receipt, is immediately assigned a limit price equal to the contra NBBO price. To effect this elimination, the Exchange proposes to delete Rule 7.31(rr).

Second, the Exchange proposes to amend the definition of an Auction-Only Order to provide that the Exchange will only accept the Auction-Only Orders specified in Rule 7.31(t). An Auction Only Order is currently defined as a limit or market order to be executed during the next auction following entry of the order and, if not executed in the auction that it participates in, the balance is cancelled. To effect this change, the Exchange proposes to amend Rule 7.31(t) to specify that the only auction-only orders that can be entered on the Exchange are the separately-defined Limit-on-Open Orders ("LOO Order"), Market-on-Open Orders ("MOO Order"), Limit-on-Close Orders ("LOC"), and Market-on-Close Orders ("MOC"). The Exchange also proposes to replace the references to Auction-Only Limit with LOO in Rule 7.35, and delete the references to Auction Only Limit Orders in Rule 7.35(f)(3)(E).

Third, the Exchange proposes to amend the definition of a NOW Order to provide that NOW Orders with a Reserve modifier would no longer be accepted. A NOW Order is a Limit Order that is executed in whole or in part on the Exchange with any unexecuted portion routed pursuant to Rule 7.37(d) for immediate execution. If any portion of the routed order is not immediately executed, it will be canceled. To effect this change, the Exchange proposes to amend the definition of a NOW Order in Rule 7.31(v) to provide that NOW Orders entered with a Reserve modifier would be rejected.

Fourth, the Exchange proposes that Market Orders with a NOW or IOC modifier would no longer be accepted. Rule 7.31(a) defines a Marker Order as an order to buy or sell a stated amount of a security that is to be executed at the NBBO when the order reaches the Exchange. To effect this change, the Exchange proposes to eliminate the reference to market orders in the definition of the IOC modifier in Rule 7.31(c)(3), thereby limiting the use of the IOC modifier to limit orders. A Market Order entered with an IOC limitation would therefore be rejected. Similarly, the Exchange proposes to amend the definition of a NOW Order to provide that NOW Orders entered with a Market modifier would be rejected.

Finally, the Exchange proposes to modify the Mid-Point Liquidity ("MPL") Order to eliminate the use of a Fill or Kill ("FOK") modifier with an MPL Order. An MPL Order is a Passive Liquidity Order priced at the midpoint of the PBBO. To effect this change, the Exchange proposes to amend the definition of an MPL Order in Rule 7.31(h)(5) to provide that an MPL Order entered with a FOK modifier would be rejected.

References to Deleted Order Types in Rule 7.6, Rule 7.34 and Rule 7.35

The Exchange proposes to delete commentary .04 to Rule 7.6 governing Trading Differentials. The commentary provides an exception for Midpoint Cross Orders and Midpoint Directed Fills. As described above, the Exchange is eliminating the Midpoint Cross Order.

[10] As described below, the Exchange proposes to delete the IOC Cross Order set forth in Rule 7.31(aa).

The Directed Fill order type was recently eliminated.[11]

Similarly, Cleanup Orders were recently eliminated.[12] The Exchange accordingly proposes to delete references to Cleanup Orders in Rule 7.34(b)(2), which provides that Market Makers may, at their discretion, maintain a Cleanup Order for any securities in which they are registered for each Market Order Auction. The Exchange also proposes to delete the references to Cleanup Orders in Rule 7.35(c)(2)(A)(1)(v) and Rule 7.35(f)(3)(B).

Because of the technology changes associated with the proposed rule change, the Exchange proposes to announce the implementation date of the elimination of the order types via Trader Update.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5),[14] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that eliminating the Passive Discretionary Order, Discretion Limit Order, Sweep Reserve Order, Random Reserve Order, PL Select Order, Auction-Only Order, Cross-and-Post Order, Day Cross Order, Midpoint Cross Order, PNP Cross Order, IOC Cross Order and PCS Order removes impediments to and perfects a national market system by simplifying functionality and complexity of its order types. The Exchange believes that eliminating these order types and modifiers would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the removal of complex functionality. The Exchange further believes that deleting corresponding references to deleted order types also removes impediments to and perfects the mechanism of a free and open market by ensuring that members, regulators and the public can more easily navigate the Exchange's rulebook and better understand the orders types available for trading on the Exchange. Similarly, the Exchange believes that removing cross-references to the Midpoint Directed Fill and Cleanup Order order types, which the Exchange recently eliminated in a separate rule filing,[15] would remove impediments to and perfect the mechanism of a free and open market because it would reduce potential confusion that may result from having such cross references in the Exchange's rulebook. Removing such obsolete cross references will also further the goal of transparency and add clarity to the Exchange's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather would remove obsolete cross-references and remove complex functionality, thereby reducing confusion and making the Exchange's rules easier to understand and navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2014–75 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2014–75. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–75 and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16653 Filed 7–15–14; 8:45 am]

BILLING CODE 8011–01–P

[11] *See supra* note 6.

[12] *See id.*

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See supra* note 6.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72587; File No. SR–ISEGemini–2014–20]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

July 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2014 ISE Gemini, LLC (the "Exchange" or "ISE Gemini") filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

ISE Gemini is proposing to amend its Schedule of Fees to increase certain network and gateway fees. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to increase certain network and gateway fees. The Exchange charges an Ethernet fee for its four different Ethernet connection options, which is $500 per month for a 1 Gigabit ("Gb") connection, $4,000 per month for a 10 Gb connection, $7,000 per month for a 10 Gb low latency connection, and $12,500 per month for a 40 Gb low latency connection.[3] These Ethernet connectivity options provide access to both ISE Gemini and ISE Gemini's sister exchange, International Securities Exchange, LLC ("ISE").[4] The Exchange proposes to increase the fees charged for the 1 Gb connection to $750 per month. In addition, the Exchange offers both shared and dedicated gateways to facilitate member access to ISE Gemini and ISE for a single fee. The Exchange charges members a monthly gateway fee of $250 per gateway for a shared gateway or $2,000 per gateway pair for members that elect to use their own dedicated gateways as an alternative to using shared gateways.[5] The Exchange proposes to increase the shared gateway fee to $500 per month.

In addition, the Schedule of Fees currently notes that the network and gateway fees discussed above, as well as certain other non-transaction fees, were waived until January 1, 2014.[6] As this date has already passed, the Exchange proposes to delete references to this waiver.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[7] in general, and Section 6(b)(4) of the Act,[8] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange believes that it is reasonable and equitable to increase the network and gateway fees described in this filing as the Exchange has not increased the fees charged for these network and gateway options since each was introduced,[9] and the new fees are more in line with the Exchange's current connectivity costs, including costs for software and hardware enhancements, and resources dedicated to development, quality assurance, and support. The Exchange also notes that these connectivity options now provide access to two exchanges, ISE and ISE Gemini, for a single fee and thus believes that the new fees are appropriate given the additional benefit that this provides to firms that choose to connect to both markets.[10] The new fees are also well within the range of fees currently charged by other options exchanges. For example, NYSE Arca Options ("Arca") charges a monthly fee of $5,000 per connection for a 1 Gb liquidity center network connection with a $6,000 per connection initial charge, which is significantly more expensive than the proposed Ethernet fee of $750 per month.[11] Furthermore, the Exchange believes that the new fees are not unfairly discriminatory as all market participants that use these connectivity options will pay the same fee, and there is no differentiation among market participants with regard to the fees charged.

The Exchange also believes that is appropriate to remove obsolete text about the waiver of non-transaction fees prior to January 1, 2014, as this is a non-substantive change intended to increase the clarity of the Exchange's Schedule of Fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change increases certain network and gateway fees to levels that are within the range of fees charged by other options exchanges. These fees will be charged to all firms that elect to use the connectivity options described in this filing. In addition, removing obsolete text from the Schedule of Fees will have no competitive impact. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71149 (December 19, 2013), 78 FR 78447 (December 26, 2014) (SR–Topaz–2013–16).

[4] *Id.* Market participants pay the same fees regardless of whether they choose to connect to both exchanges or solely to ISE Gemini.

[5] *Id.*

[6] *Id.*

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

[9] While both of these fees were introduced on ISE Gemini in January 2014 as described above, the Exchange notes that the fees were adopted on earlier dates on the ISE, which shares these connectivity options with ISE Gemini. *See* Securities Exchange Act Release No. 55289 (February 13, 2007), 72 FR 8218 (February 23, 2007) (SR–ISE–2007–04); 68324 (November 30, 2012), 77 FR 72901 (December 6, 2012) (SR–ISE–2012–89).

[10] As described above, these fees were originally adopted on the ISE and then on ISE Gemini to allow members to connect to both exchanges for a single fee. The Exchange believes that the new fees reflect the benefit of being able to connect to multiple exchanges for market participants that choose to do so.

[11] *See* Arca Fees and Charges, Floor and Equipment and Co-location Fees. There is no gateway fee listed on Arca's fee schedule, but the cost of obtaining a 1 Gb connection to Arca is considerably higher than the fees proposed in this filing even with the additional $500 gateway fee. There is no similar initial charge for setting up connectivity to ISE Gemini.

[12] 15 U.S.C. 78f(b)(8).

Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[13] and subparagraph (f)(2) of Rule 19b–4 thereunder,[14] because it establishes a due, fee, or other charge imposed by ISE Gemini.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISEGemini–2014–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEGemini–2014–20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISEGemini–2014–20, and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16651 Filed 7–15–14; 8:45 am]

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[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72589; File No. SR–BATS–2014–025]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

July 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2014, BATS Exchange, Inc. (the "Exchange" or "BATS") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its fee schedule applicable to use of the Exchange in order to modify the way that, for purposes of tiered pricing on the Exchange's equities trading platform ("BATS Equities"), the Exchange calculates ADV, ADAV, and average daily TCV (as such terms are defined below). Similarly, the Exchange proposes to modify the way that, for purposes of tiered pricing applicable to use of the Exchange's equity options trading platform ("BATS Options"), the Exchange calculates ADV and TCV.

Currently, with respect to BATS Equities, the Exchange determines the liquidity adding rebate that it will provide to Members based on the Exchange's tiered pricing structure by excluding from the calculation of ADV,[6] ADAV,[7] and average daily TCV[8] any day that an Exchange System Disruption[9] occurs as well as the last Friday in June (the "Russell Reconstitution Day").

The Exchange excludes these days from the calculation of ADAV, ADV and TCV in order to avoid penalizing Members that might otherwise qualify for certain tiered pricing but that, because of special circumstances on a particular day, did not participate on the Exchange to the extent that they might have otherwise participated. Similarly, the Exchange believes that scheduled early market closes, which typically are the day before or after a holiday, may preclude some Members from submitting orders to the Exchange at the same level as they might otherwise. The Exchange notes that it is not proposing to modify any of the existing rebates or the percentage thresholds at which a Member may qualify for certain rebates pursuant to the tiered pricing structure. Rather, as mentioned above, the Exchange is proposing to modify its fee schedule to exclude trading activity occurring on any day with a scheduled early market close from the calculation of ADAV, ADV and TCV.

The Exchange also currently applies a tiered pricing structure to BATS Options, determining the fees charged for removing liquidity and rebates provided for adding liquidity based on ADV,[10] ADAV,[11] and average daily TCV,[12] all of which exclude any day that an Exchange System Disruption[13] occurs. The Exchange proposes to modify the definitions of ADAV, ADV and TCV for BATS Options in order to exclude days with a scheduled early market close in a manner consistent with the proposed exclusion for BATS Equities described above. As is true for BATS Equities, the Exchange believes that scheduled early market closes, which typically are the day before or after a holiday, may preclude some Members from submitting orders to the Exchange at the same level as they might otherwise. The Exchange notes that it is not proposing to modify any of the existing rebates or fees or the percentage thresholds at which a Member may qualify for certain rebates or fees pursuant to the tiered pricing structure. Rather, as mentioned above, the Exchange is proposing to modify its fee schedule to exclude trading activity occurring on any day with a scheduled early market close from the calculation of ADAV, ADV and TCV.

The Exchange believes that eliminating days with a scheduled early market close from the definition of ADV, ADAV and TCV for BATS Equities and for BATS Options will provide Members with increased certainty as to their monthly cost for trades executed on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[14] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive.

With respect to the proposed changes to the calculation of tiered pricing for adding liquidity to BATS Equities and for both removing liquidity from and adding liquidity to BATS Options, the Exchange believes that its proposal is reasonable because, as explained above, it will help provide Members with a greater level of certainty as to their level of rebates and costs for trading in any month where there is a scheduled early market close. The Exchange is not proposing to amend the thresholds a Member must achieve to become eligible for, or the dollar value associated with, the tiered rebates or fees. Eliminating the inclusion of any day with a scheduled early market close would, in many cases, be excluding a day that would otherwise lower a Member's ADV and/or ADAV as a percentage of average daily TCV. Thus, the proposed change will make the majority of Members more likely to meet the minimum or higher tier thresholds, incentivizing Members to increase their participation on the Exchange in order to meet the next highest tier. In addition, the Exchange believes that the proposed changes to its fee schedule are equitably allocated among Exchange constituents and not unfairly discriminatory as the methodology for calculating ADV, ADAV and TCV will apply equally to all Members of BATS Equities and equally to all Members of BATS Options.

Volume-based tiers such as the liquidity adding tiers maintained by the Exchange have been widely adopted, and are equitable and not unfairly

[6] As provided in the fee schedule, for purposes of BATS Equities pricing, "ADV" means average daily volume calculated as the number of shares added or removed, combined, per day on a monthly basis.

[7] As provided in the fee schedule, for purposes of BATS Equities pricing, "ADAV" means average daily volume calculated as the number of shares added per day on a monthly basis.

[8] As provided in the fee schedule, for purposes of BATS Equities pricing, "TCV" means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[9] As provided in the fee schedule, for purposes of BATS Equities pricing, "Exchange Systems Disruption" means any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours.

[10] As provided in the fee schedule, for purposes of BATS Equities pricing, "ADV" means average daily volume calculated as the number of shares added or removed, combined, per day on a monthly basis.

[11] As provided in the fee schedule, for purposes of BATS Equities pricing, "ADAV" means average daily volume calculated as the number of shares added per day on a monthly basis.

[12] As provided in the fee schedule, for purposes of BATS Equities pricing, "TCV" means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[13] As provided in the fee schedule, for purposes of BATS Options pricing, "Exchange Systems Disruption" means any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours.

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4).

discriminatory because they are open to all members on an equal basis and provide higher rebates or lower fees that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process. Accordingly, the Exchange believes that the proposal is equitably allocated and not unfairly discriminatory because it is consistent with the overall goals of enhancing market quality. Further, the Exchange believes that a tiered pricing model not significantly altered by a day of atypical trading behavior which allows Members to predictably calculate what their costs associated with trading activity on the Exchange will be is reasonable, fair and equitable and not unreasonably discriminatory as it is uniform in application amongst Members and should enable such participants to operate their business without concern of unpredictable and potentially significant changes in expenses.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposed change will help to promote intramarket competition by avoiding a penalty to Members for days when overall trading activity might be significantly lower than a typical trading day. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the deem fee structures to be unreasonable or excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and paragraph (f) of Rule 19b–4 thereunder.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BATS–2014–025 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2014–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2014–025 and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16664 Filed 7–15–14; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72588; File No. SR–ISE–2014–36]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

July 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2014, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees to increase certain network and gateway fees. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to increase certain network and gateway fees. The Exchange charges an Ethernet fee for its four different Ethernet connection options, which is $500 per month for a 1 Gigabit ("Gb") connection, $4,000 per month for a 10 Gb connection, $7,000 per month for a 10 Gb low latency connection, and $12,500 per month for a 40 Gb low latency connection. These Ethernet connectivity options provide access to both the ISE and the ISE's sister exchange, ISE Gemini, LLC ("ISE Gemini").[3] The Exchange proposes to increase the fees charged for the 1 Gb connection to $750 per month. In addition, the Exchange offers both shared and dedicated gateways to facilitate member access to ISE and ISE Gemini for a single fee. The Exchange charges members a monthly gateway fee of $250 per gateway for a shared gateway or $2,000 per gateway pair for members that elect to use their own dedicated gateways as an alternative to using shared gateways. The Exchange proposes to increase the shared gateway fee to $500 per month.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and Section 6(b)(4) of the Act,[5] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange believes that it is reasonable and equitable to increase the network and gateway fees described in this filing as the Exchange has not increased the fees charged for these network and gateway options since each was introduced,[6] and the new fees are more in line with the Exchange's current connectivity costs, including costs for software and hardware enhancements, and resources dedicated to development, quality assurance, and support. The Exchange also notes that these connectivity options now provide access to two exchanges, ISE and ISE Gemini, for a single fee and thus believes that the new fees are appropriate given the additional benefit that this provides to firms that choose to connect to both markets. The new fees are also well within the range of fees currently charged by other options exchanges. For example, NYSE Arca Options ("Arca") charges a monthly fee of $5,000 per connection for a 1 Gb liquidity center network connection with a $6,000 per connection initial charge, which is significantly more expensive than the proposed Ethernet fee of $750 per month.[7] Furthermore, the Exchange believes that the new fees are not unfairly discriminatory as all market participants that use these connectivity options will pay the same fee, and there is no differentiation among market participants with regard to the fees charged.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[8] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change increases certain network and gateway fees to levels that are within the range of fees charged by other options exchanges. These fees will be charged to all firms that elect to use the connectivity options described in this filing. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and subparagraph (f)(2) of Rule 19b–4 thereunder,[10] because it establishes a due, fee, or other charge imposed by ISE.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2014–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2014–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

[3] *See* Securities Exchange Act Release No. 71324 (January 16, 2014), 79 FR 3911 (January 23, 2014) (SR–ISE–2014–01). Market participants pay the same fees regardless of whether they choose to connect to both exchanges or solely to the ISE.

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] *See* Securities Exchange Act Release No. 55289 (February 13, 2007), 72 FR 8218 (February 23, 2007) (SR–ISE–2007–04); 68324 (November 30, 2012), 77 FR 72901 (December 6, 2012) (SR–ISE–2012–89).

[7] *See* Arca Fees and Charges, Floor and Equipment and Co-location Fees. There is no gateway fee listed on Arca's fee schedule, but the cost of obtaining a 1 Gb connection to Arca is considerably higher than the fees proposed in this filing even with the additional $500 gateway fee. There is no similar initial charge for setting up connectivity to the ISE.

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2014–36, and should be submitted on or before August 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–16652 Filed 7–15–14; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 8796]

30-Day Notice of Proposed Information Collection: NEA/AC Performance Reporting System (PRS)

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to August 15, 2014.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Markita Cooke, U.S. Department of State, Assistance Coordination Office, Bureau of Near Eastern Affairs, NEA Mail Room—Room 6258, 2201 C St. NW., Washington, DC 20520, who may be reached on 202–776–8309 or at *CookeMA@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* NEA/AC Performance Reporting System (PRS).
- *OMB Control Number:* 1405–0183.
- *Type of Request:* Extension.
- *Originating Office:* NEA/AC.
- *Form Number:* DS–4127.
- *Respondents:* Recipients of NEA/AC grants.
- *Estimated Number of Respondents:* 125 respondents annually.
- *Estimated Number of Responses:* 500 per year.
- *Average Time per Response:* 20 hours.
- *Total Estimated Burden Time:* 10,000 hours.
- *Frequency:* Quarterly.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Assistance Coordination (AC) Office, established in June 2014, coordinates United States government foreign assistance in the Middle East and North Africa region for the Department of State, and manages the implementation of all the assistance functions within the Department of State's Bureau of Near Eastern Affairs. In fiscal year 2014, the AC office will obligate over $120 million in support of political, economic, education and women's rights reform in 20 countries of the Middle East and North Africa. As a normal course of business and in compliance with 22 U.S.C. 2395(b) and OMB Guidelines contained in Circular A–110, recipient organizations are required to provide, and the U.S. Department of State is required to collect, periodic program and financial performance reports. The responsibility of the Department to track and monitor the programmatic and financial performance necessitates a database that can help facilitate this in a consistent and standardized manner. The NEA/AC Performance Reporting System (PRS) enables enhanced monitoring and evaluation of grants through standardized collection and storage of relevant award elements, such as quarterly progress reports, workplans, results monitoring plans, grant agreements, and other business information related to AC implementers. The PRS streamlines communication with implementers and allows for rapid identification of information gaps for specific projects.

Methodology

Information will be entered into PRS electronically by respondents.

Dated: July 8, 2014.

Catherine Bourgeois,

Chief of Staff, Bureau of Near Eastern Affairs, NEA/AC Department of State.

[FR Doc. 2014–16769 Filed 7–15–14; 8:45 am]

BILLING CODE 4710–31–P

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8794]

In the Matter of the Designation of Anders Cameroon Ostensvig Dale Also Known as Muslim Abu Abdurrahman; Also Known as Abu Abdurrahman the Norwegian; Also Known as Abu Abdurrahman the Moroccan; as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Anders Cameroon Ostensvig Dale, also known as Muslim Abu Abdurrahman, also known as Abu Abdurrahman the Norwegian, also known as Abu Abdurrahman the Moroccan, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: June 16, 2014.

John F. Kerry,

Secretary of State.

[FR Doc. 2014–16628 Filed 7–15–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, U.S. Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below regarding motorcycle helmet labels has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on March 25, 2014 (79 FR 16420). The docket number is NHTSA–2014–0031. No comments were received.

DATES: Comments must be submitted on or before August 15, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Check Kam at U.S. Department of Transportation, NHTSA, 1200 New Jersey Avenue SE., West Building Room W43–451, NVS–113, Washington, DC 20590. Mr. Check Kam's telephone number is (202) 366–0247 and fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: 49 CFR 571.1218, Motorcycle Helmets (Labeling).

OMB Control Number: 2127–0518.

Type of Request: Extension of a currently approved collection.

Abstract: The National Traffic Vehicle Safety statute at 49 U.S.C. Subchapter II Standards and Compliance, Sections 30111 and 30117, authorizes the issuance of Federal motor vehicle safety standards (FMVSS). The Secretary is authorized to issue, amend, and revoke such rules and regulations as he/she deems necessary. The Secretary is also authorized to require manufacturers to provide information to first purchasers of motor vehicles or motor vehicle equipment when the vehicle equipment is purchased, in the form of printed matter placed in the vehicle or attached to the motor vehicle or motor vehicle equipment.

Using this authority, the agency issued the initial FMVSS No. 218, "Motorcycle helmets," in 1974. Motorcycle helmets are devices used to protect motorcyclists from head injury in motor vehicle crashes. FMVSS No. 218 S5.6 requires that each helmet shall be labeled permanently and legibly in a manner such that the label(s) can be read easily without removing padding or any other permanent part.

Affected Public: Motorcycle helmet manufacturers.

Estimated Burden Hours: 9,100 hours.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street NW., Washington, DC 20503. Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. Comments to OMB are most effective if received by OMB within 30 days of publication.

Dated: July 8, 2014.

David M. Hines,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2014–16605 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Office of Dispute Resolution Procedures for Protests and Contract Disputes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 2, 2014, vol. 79, no. 85, page 25172. 14 CFR part 17 sets forth procedures for filing solicitation protests and contract claims in the FAA's Office of Dispute Resolution for Acquisition. The regulations seek factual and legal information from protesters or claimants primarily through written submissions.

DATES: Written comments should be submitted by August 15, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0632.

Title: Office of Dispute Resolution Procedures for Protests and Contact Disputes.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: 14 CFR 17.15 and 17.25 provide the procedures for filing protests and contract claims with the Office of Dispute Resolution for Acquisition. The regulations seek factual and legal information from protesters or claimants primarily through written submissions. The information sought by the regulations is used by the ODRA, as well as the opposing parties: (1) To gain a clear understanding as to the facts and the law underlying the dispute; and (2) to provide a basis for applying dispute resolution techniques.

Respondents: Approximately 45 protestors or claimants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 20.5 hours.

Estimated Total Annual Burden: 923 hours.

ADDRESSES: 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/FAA, 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.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on July 10, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–16733 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification: Air Carriers and Commercial Operators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 2, 2014, vol. 79, no. 85, page 25170. The respondents to this information collection are CFR Part 135 and Part 121 operators. The FAA uses the information to ensure compliance and adherence to the regulations.

DATES: Written comments should be submitted by August 15, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0593

Title: Certification: Air Carriers and Commercial Operators

Form Numbers: FAA Form 8400–6.

Type of Review: Renewal of an information collection.

Background: This request for clearance reflects requirements necessary under parts 135, 121, and 125 to comply with part 119. The FAA uses the information it collects and reviews to insure compliance and adherence to regulations and, if necessary, take enforcement action on violators of the regulations.

Respondents: Approximately 2,445 air carriers and commercial operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 2.45 hours.

Estimated Total Annual Burden: 8,869 hours.

ADDRESSES: 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/FAA, 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.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on July 10, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–16732 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Availability of Final Written Reevaluation and Record of Decision for the Proposed West Aircraft Maintenance Area at Los Angeles International Airport, Los Angeles, Los Angeles County, California

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

ACTION: Notice of Availability of Final Written Reevaluation and Record of Decision.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public of the availability of the Final Written Reevaluation and Record of Decision for a minor adjustment to a project evaluated in FAA's 2005 Final Environmental Impact Statement (FEIS) for the LAX Master Plan is available for public inspection. The Final Written Reevaluation and Record of Decision was prepared for the construction and

operation of the proposed West Aircraft Maintenance Area (WAMA) west of Taxiway AA in the southwest quadrant of Los Angeles International Airport, Los Angeles, California. FAA is making the Final Written Reevaluation and Record of Decision available for public inspection.

FOR FURTHER INFORMATION CONTACT: David B. Kessler, AICP, Regional Environmental Protection Specialist, AWP–610.1, Airports Division, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, Los Angeles, California 90009–2007, Telephone: 310/725–3615.

SUPPLEMENTARY INFORMATION: In December 2004, the Los Angeles City Council approved the Master Plan for Los Angeles International Airport (LAX). From this Master Plan, the City of Los Angeles, through its Airport Department—Los Angeles World Airports (LAWA), prepared an Airport Layout Plan (ALP). The ALP depicts the existing and planned future locations of runways, taxiways, aircraft parking aprons, terminal buildings and other associated facilities on the airport. At the time the ALP was prepared, the LAWA's and Federal Aviation Administration's (FAA) focus was on airfield safety to reduce runway incursions. A minor component of the Master Plan included aircraft maintenance. The ALP depicts various existing hangar buildings to be demolished and aircraft maintenance to be consolidated into the southwest quadrant of the airport on the east side of a north/south taxiway called "Taxiway AA."

LAWA proposes to adjust its LAX ALP to depict the proposed West Aircraft Maintenance Area (WAMA) on the west side of Taxiway AA rather than the east side as originally proposed in the 2005 Final EIS. In May 2014, the FAA prepared a Draft Written Reevaluation for a minor adjustment to a project evaluated in its 2005 Final Environmental Impact Statement (EIS) for the LAX Master Plan pursuant to the National Environmental Policy Act of 1969.

FAA made the Draft Written Reevaluation available to the public and governmental agencies for review and comment from April 25 through May 30, 2014. FAA did not receive any comments on the Draft Written Reevaluation.

Copies of the Final Written Reevaluation and Record of Decision are available for public inspection at the following locations during normal business hours:

U.S. Department of Transportation, Federal Aviation Administration, Western-Pacific Region, Office of the Airports Division, 15000 Aviation Boulevard, Hawthorne, California 90261.

The document is also available for public inspection at the following libraries and at the following Web site: *http://www.faa.gov/airports/western_pacific/environmental/.*

Westchester-Loyola Village Branch Library—7114 W. Manchester Ave., Los Angeles, CA 90045.

El Segundo Library—111 W. Mariposa Ave., El Segundo, CA 90245.

Inglewood Library—101 W. Manchester Blvd., Inglewood, CA 90301.

Culver City Library—4975 Overland Ave., Culver City, CA 90230.

Issued in Hawthorne, California, on July 8, 2014.

Mia Paredes Ratcliff,

Acting Manager, Airports Division, Western—Pacific Region, AWP–600.

[FR Doc. 2014–16730 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Release Airport Property for Non-Aeronautical Use; Manchester Regional Airport, Manchester, NH

Authority: 49 U.S.C. 47107(h).

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Request for comments on proposal to use airport land for non-aeronautical use.

SUMMARY: The Federal Aviation Administration is considering a proposal to release approximately 1.0 acres of airport property for non-aeronautical use at the Manchester Regional Airport, Manchester, NH. The acre released is currently used as a buffer zone to adjacent wetlands and would be exchanged for approximately 4.3 acres of land that would be used for the same purpose. In accordance with section 47107(h) of Title 49 of the United States Code, the FAA invites public comment on this proposal.

DATES: Comments must be received on or before August 15, 2014.

ADDRESSES: You may send comments using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*, and follow the instructions on providing comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W 12–140, 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 FURTHER INFORMATION CONTACT: Thomas Vick, Compliance and Land Use Specialist, New England Region Airports Division, 12 New England Executive Park, Burlington, MA 01803. Telephone: 781–238–7618; Fax 781–238–7608.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106–181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** not less than 30 days before the Secretary may waive any condition imposed on a federally obligated airport by grant agreements. The FAA invites public comment on the request to a land release and exchange at the Manchester-Boston Regional Airport for use as wetland mitigation under the provisions of AIR 21.

The Manchester-Boston Regional Airport has requested to release approximately 1.0 acres of airport land from federal obligations and to exchange that acre with approximately 4.3 acres of land currently owned by the Peter J. King Irrevocable Trust of 1988. The 1.0 acres to be released was purchased by the Airport as part of the Trolley Crossing mitigation site for the Airport's previous extension of Runway 35, and is located in the Town of Londonderry, Rockingham County, NH. The parcel is part of a larger property parcel currently depicted on the Airport Layout Plan of record as Number 64. That larger parcel is identified as Town of Londonderry, Rockingham County, Tax Map 14, Lot 49–1. The 1.0 acres in question is located within the larger parcel, and is considered "buffer" to the wetland portion of the Trolley Crossing mitigation site. The approximately 4.3 acres of land that would be exchanged and given to the Airport from the Trust is similar in nature and also serves as buffer to the wetland portion of the Trolley Crossing mitigation site. That 4.3 acre parcel is also located in the Town of Londonderry, NH, within the parcel identified as Tax Map 14, Lot 49.

The Airport has requested this exchange to allow Prologis Management, LLC, to lease and develop approximately 48 acres of the Trust property for a logistics center. The 1.0

acres of airport property is necessary for the development of the center. As part of this proposal, the Federal and State agencies that participated in the environmental study for the Runway 35 extension have reviewed this proposal. All interested agencies have concurred that there would be no adverse environmental impacts as a result of this land exchange and that the proposed release and exchange of 1.0 acres for 4.3 acres of similarly situated land would be beneficial for the Runway 35 extension mitigation site. The Airport also completed a Real Estate Appraisal Report for the parcels. The appraisal was conducted in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP). The appraisal concludes that the Manchester-Boston Regional Airport will receive additional value for the land that it is acquiring in this proposed release and exchange.

Interested persons may inspect the request and supporting documents by contacting the FAA at the address listed under **FOR FURTHER INFORMATION CONTACT.** All comments will be considered by the FAA to the extent practicable.

Issued in Burlington, Massachusetts, July 9, 2014.

Mary T. Walsh,

Manager, New England Airports Division.

[FR Doc. 2014–16728 Filed 7–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35844]

Stillwater Central Railroad, LLC—Acquisition Exemption Containing Interchange Commitment—Oklahoma Department of Transportation

Stillwater Central Railroad, LLC (SLWC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from the state of Oklahoma (the State), acting through the Oklahoma Department of Transportation (ODOT), and to operate approximately 97.5 miles of rail line between milepost 438.9 in Sapulpa, Okla., and milepost 536.4 in eastern Oklahoma City, Okla. (the Line).

The State, by and through ODOT, acquired the Line from The Burlington Northern and Santa Fe Railway Company (now known as the BNSF Railway Company) (BNSF), pursuant to an agreement dated February 12, 1998.[1] According to SLWC, the agreement between ODOT and BNSF contains an interchange commitment that ODOT is contractually obligated to assign to any future purchaser of the Line. SLWC notes that the affected interchange point is Sapulpa. As required under 49 CFR 1150.43(h)(1), SLWC provided additional information regarding the interchange commitment. SLWC has certified that its projected annual revenues as a result of this transaction will not result in SLWC's becoming a Class II or Class I rail carrier, but that its projected annual revenues will exceed $5 million. Accordingly, SLWC is required, at least 60 days before this exemption is to become effective, to send notice of the transaction to the national offices of the labor unions with employees on the affected lines, post a copy of the notice at the workplace of the employees on the affected lines, and certify to the Board that it has done so. 49 CFR 1150.42(e). SLWC asserts that providing the 60-day notice would serve no useful purpose because SLWC already has authority to operate the Line under lease from ODOT.

SLWC, concurrently with its notice of exemption, filed a petition for waiver of the 60-day advance labor notice requirement under 1150.42(e), asserting that, although ODOT is the owner of the Line, ODOT also is a noncarrier, therefore: (1) No ODOT employees will be affected because no ODOT employees have performed operations or maintenance on the Line; and (2) no SLWC employees will be affected because SLWC will continue to provide the same service and maintenance on the Line as it has been providing since the inception of the lease. SLWC states that the transaction will simply convert SLWC's lease of the Line to an ownership interest. SLWC's waiver request will be addressed in a separate decision.

SLWC states that it intends to consummate the transaction on or after July 31, 2014 (after the effective date of this transaction, which is July 30, 2014). The Board will establish in the decision on the waiver request the earliest date this transaction may be consummated.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 23, 2014.

An original and 10 copies of all pleadings, referring to Docket No. FD 35844, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, Ball Janik LLP, Suite 225, 655 Fifteenth St. NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: July 11, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2014–16692 Filed 7–15–14; 8:45 am]

BILLING CODE 4915–01–P

[1] The acquisition was authorized by the Board in *State of Oklahoma by & through the Oklahama Department of Transportation—Acquisition Exemption—The Burlington Northern & Santa Fe Railway,* FD 33620 (STB served July 10, 1998). On that same date, SLWC was authorized to lease and operate the Line. *See, Stillwater Cent. R.R.—Lease and Operation Exemption—State of Okla. by & through the Okla. Dep't of Transp.,* FD 33621 (STB served July 10, 1998).

DEPARTMENT OF THE TREASURY

Proposed Collection; Comment Request; Departmental Offices

AGENCY: Departmental Offices, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on an extension of an existing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Office of Financial Stability, within the Departmen' of the Treasury, is soliciting comments concerning grants to states for low-income housing projects in lieu of tax credits.

DATES: Written comments should be received on or before September 15, 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 Jean Whaley, Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 2045, Washington, DC 20220 or to *1602Reports@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Jean Whaley, Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 2045, Washington, DC 20220 or to *1602Reports@treasury.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1505–0218.

Title: Grants to States for Low-Income Housing Projects in lieu of Tax Credits.

Abstract: Authorized under the American Recovery and Reinvestment Act (ARRA) (Pub. L. 111–5), the Department of the Treasury implemented several provisions of the Act, more specifically Division B—Tax, Unemployment, Health, State Fiscal Relief, and Other Provisions. Among these components is a program which requires Treasury to make payments, in lieu of a tax credit, to state housing credit agencies. State housing credit agencies use the funds to make subawards to finance the construction or acquisition and rehabilitation of qualified low-income buildings. The collection of information from the agencies is necessary to properly monitor compliance with program requirements.

Type of Review: Extension without change of a currently approved collection.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 55.

Estimated Annual Hours per Response: 0.50.

Estimated Annual Burden Hours: 57.

Request For Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the 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 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.

Dated: July 10, 2014.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–16625 Filed 7–15–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of 5 Individuals and 7 Entities Pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism"

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of 5 individuals and 7 entities whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

DATES: The designations by the Director of OFAC of the 5 individuals and 7 entities in this notice, pursuant to Executive Order 13224, are effective on July 10, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, 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.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the "Order") pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On July 10, 2014 the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, 5 individuals and 7 entities whose property and interests in property are blocked pursuant to Executive Order 13224.

The listings for these individuals and entities on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

Individuals

1. AMHAZ, Issam Mohamad (a.k.a. AMHAZ, 'Isam; a.k.a. AMHAZ, Issam Mohamed), Ghadir, 5th Floor, Safarat, Bir Hassan, Jenah, Lebanon; Issam Mohamad Amhaz Property, Ambassades (Safarate), Bir Hassan Area, Ghobeiri, Baabda, Lebanon; DOB 04 Mar 1967; POB Baalbek, Lebanon; nationality Lebanon; Passport RL0000199 (Lebanon); Identification Number 61 Nabha; Chairman, Stars Group Holding; General Manager, Teleserveplus (individual) [SDGT].
2. AMHAZ, Kamel Mohamad (a.k.a. AL–AMHAZ, Kamel; a.k.a. AMHAZ, Kamel; a.k.a. AMHAZ, Kamel Mohamed; a.k.a. AMHAZ, Kamil), 5th Floor, Ghadir Building, Kods Street, Haret Hreik, Baabda, Lebanon; Ghadir, 5th Floor, Safarat, Bir Hassan, Jenah, Lebanon; Ghadir 5th Floor, Embassies Street, Bir Hasan, Lebanon; Dallas Center, Saida Old Street, Chiah, Baabda, Lebanon; DOB 04 Aug 1973; nationality Lebanon; Passport RL2244333 (Lebanon); Identification Number 61 Niha El-Mehfara; President and Chief Executive Officer, Stars Group Holding (individual) [SDGT].
3. IBRAHIM, Ayman (a.k.a. IBRAHIM, Ayman Ahmad); DOB 01 Apr 1979; POB 'Adlun, Lebanon; General Manager, Unique Stars Mobile Phones LLC (individual) [SDGT] (Linked To: UNIQUE STARS MOBILE PHONES LLC).
4. KHALIFEH, Hanna Elias (a.k.a. KHALIFAH, Hanna; a.k.a. KHALIFE, Hanna), Midan Street, Mazraat Yachouh, Metn, Lebanon; Asaad Karam Building, Midan Street, Mazraat Yachouh, Lebanon; DOB 09 Jul 1955; nationality Lebanon; Passport RL2033216 (Lebanon) (individual) [SDGT].
5. ZEAITER, Ali (a.k.a. ZOEITER, Ali; a.k.a. ZU'AYTAR, 'Ali; a.k.a. ZU'AYTIR, Ali Husayn), Tianhelu 351 Hao, Tianhequ, Guangzhou, China; Room 2203A, Grand Tower, No. 228 Tianhe Road, Tianhe District, Guangzhou, China; Room 2203A, Guangcheng Building, No. 228 Tianhe Road, Guangzhou, China; 204 No. 253 Tianhebei Road, Guangzhou, China; DOB 24 Feb 1977; nationality Lebanon; Passport RL1924321 (Lebanon); alt. Passport RL0877465 (Lebanon); General Manager, Stars International Ltd (individual) [SDGT].

Entities

1. FASTLINK SARL (a.k.a. FAST LINK SAL), Hadi Nasrallah Av, MEAB Building, 1st Floor, Beirut, Lebanon; Cendrella Street, Dalas Center, Chyah, Baabda, Lebanon; Dallas, 6th Floor, Saida Old Road, Chiyah, Beirut, Lebanon [SDGT] (Linked To: STARS GROUP HOLDING).
2. STARS COMMUNICATIONS LTD (a.k.a. STARS COMMUNICATIONS; a.k.a. STARS COMMUNICATIONS LLC; a.k.a. STARS COMMUNICATIONS LTD SARL), Hadi Nasrallah Av, MEAB Building, 1st Floor, Beirut, Lebanon; Bir el Abed, Snoubra Street, Haret Hreyk, Beirut, Lebanon; Tayyouneh, Haret Hreyk, Beirut, Lebanon; Port, Nahr, Beirut, Lebanon; Ras El Ain, Baalbeck, Lebanon; Hadeth, Lebanon; Nabatiyeh, Lebanon; Old Saida Road, Beirut Mall, Beirut, Lebanon; Duty-Free Airport, Rafik Hariri International Airport, Beirut, Lebanon; Sharl Helo Street, Beirut Seaport, Lebanon; Kamil Shamoun Street, Dekwaneh, Beirut, Lebanon; Hermel, Lebanon; Commercial Registry Number 2001929 (Lebanon) [SDGT] (Linked To: AMHAZ, Kamel Mohamad; Linked To: STARS GROUP HOLDING).
3. STARS COMMUNICATIONS OFFSHORE SAL (a.k.a. STARS COMMUNICATION SAL OFF–SHORE; a.k.a. STARS COMMUNICATIONS OFFSHORE; a.k.a. STARS OFFSHORE), Hojeij Building, 2nd Floor, Zaghloul Street, Haret Hreik, Baabda, Lebanon; Bdeir Building, Ground Floor, Snoubra Street, Ghobeiry, Baabda, Lebanon; Hadi Nasrallah Av, MEAB Building, 1st Floor, Beirut, Lebanon; Commercial Registry Number 1801374 (Lebanon) [SDGT] (Linked To: STARS GROUP HOLDING).
4. STARS GROUP HOLDING (a.k.a. STARS GROUP HOLDING SAL; a.k.a. STARS GROUP SAL (HOLDING)), Property Number 5208/62, Issam Mohamed Amha, 6th Floor, Dallas Center, Old Saida Road, C, Lebanon; Postal Box 13–5483, Lebanon; Bdeir Building, Snoubra Street, Bir El-Abed Area, Haret Hreik, Baabda, Lebanon; Bir El Abed, Hadi Nasrallah Highway, Middle East & Africa Bank Building, First Floor, Beirut, Lebanon; Old Saida Road, Dallas Center, 6th Floor, Beirut, Lebanon; Web site: *www.starscom.net;* Commercial Registry Number 1901453 (Lebanon) [SDGT] (Linked To: AMHAZ, Kamel Mohamad).
5. STARS INTERNATIONAL LTD (a.k.a. STARS INTERNATIONAL CO. LTD), Room 2203A, Grand Tower, No. 228 TianHe Road, TianHe District, Guangzhou, China; F–18, Dubai Airport Free Zone, Dubai, United Arab Emirates [SDGT] (Linked To: ZEAITER, Ali; Linked To: STARS GROUP HOLDING).
6. TELESERVE PLUS SAL (a.k.a. TELESERVEPLUS), 4th Floor, Dalas Center, Old Saida Road, Chiyah, Baabda, Lebanon; Postal Box 13–5483, Lebanon; Old Saida Avenue, Dallas Center, 6th Floor, Beirut, Lebanon; 6th Floor, Dallas Center, Old Saida Road, Chiyah, Baabda, Lebanon; Web site *www.teleserveplus.com;* Commercial Registry Number 2004609 (Lebanon) [SDGT] (Linked To: STARS GROUP HOLDING).
7. UNIQUE STARS MOBILE PHONES LLC (a.k.a. UNIQUE STARS LLC), Postal Box 98498, Dubai, United Arab Emirates; Al Maktoum Road, Deira, Al Kabira Building, First Floor, Office #103, PO Box 98498, Dubai, United Arab Emirates; Office 103, 1st Floor, Sheikh Rashed Building, Al Maktoum Road, Deira, DXB Municipality, Dubai, United Arab Emirates; Gargash Center, Nasser Square, Shop No. 41, Dubai, United Arab Emirates; Dubai Chamber of Commerce Membership No. 116340; Commercial Registry Number 591610 (United Arab Emirates) [SDGT] (Linked To: STARS GROUP HOLDING; Linked To: IBRAHIM, Ayman).

Dated: July 10, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–16754 Filed 7–15–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0665]

Agency Information Collection (Direct Deposit Enrollment/Change) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer, 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to "OMB Control No. 2900–0665" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to "OMB Control No. 2900–0665."

SUPPLEMENTARY INFORMATION:

Title: Direct Deposit Enrollment/Change, VA Form 29–0309.

OMB Control Number: 2900–0665.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants complete VA Form 29–0309 authorizing VA to initiate

or change direct deposit of insurance benefit at their financial institution.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 16, 2014, at page 21519.

Affected Public: Individuals or households.

Estimated Annual Burden: 10,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

Dated: July 11, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–16674 Filed 7–15–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0715]

Agency Information Collection Activity (Servicer's Staff Appraisal Reviewer (SAR) Application) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to "OMB Control No. 2900–0715" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to "OMB Control No. 2900–0715."

SUPPLEMENTARY INFORMATION:

Title: Servicer's Staff Appraisal Reviewer (SAR) Application, VA Form 26–0829.

OMB Control Number: 2900–0715.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–0829 is completed by servicers to nominate employees for approval as Staff Appraisal Reviewer (SAR). Servicers SAR's will have the authority to review real estate appraisals and to issue liquidation notices of value on behalf of VA. VA will also use the data collected to track the location of SARs when there a change in employment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 16, 2014, at pages 2942–2943.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 2 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 20.

Dated: July 11, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–16675 Filed 7–15–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0012]

Agency Information Collection (Application for Cash Surrender or Policy Loan) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 15, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to "OMB Control No. 2900–0012" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to "OMB Control No. 2900–0012."

SUPPLEMENTARY INFORMATION:

Titles:

a. Application for Cash Surrender, Government Life Insurance, VA Form 29–1546

b. Application for Policy Loan, Government Life Insurance, 29–1546–1.

OMB Control Number: 2900–0012.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Forms 29–1546 and 29–1546–1 to request a cash surrender or policy loan on his or her Government Life Insurance.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 16, 2014, at page 34396–34397.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,939 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 29,636.

Dated: July 11, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–16677 Filed 7–15–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0635]

Proposed Information Collection (Suspension of Monthly Check); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to request beneficiaries' current mailing address.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 15, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov*; or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov*. Please refer to "OMB Control No. 2900–0635" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Suspension of Monthly Check, VA Form 29–0759.

OMB Control Number: 2900–0635.

Type of Review: Revision of a currently approved collection.

Abstract: When a beneficiary's monthly insurance check is not cash within one year from the issued date, the Department of Treasury returns the funds to VA. VA Form 29–0759 is used to advise the beneficiary that his or her monthly insurance checks have been suspended and to request the beneficiary to provide a current address or a banking institution for direct deposit for monthly checks.

Affected Public: Individuals or households.

Estimated Annual Burden: 200 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,200.

Dated: July 11, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–16694 Filed 7–15–14; 8:45 am]

BILLING CODE 8320–01–P

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