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FEDERAL REGISTER

Vol. 79 Friday,

No. 172 September 5, 2014

Pages 52953–53126

OFFICE OF THE FEDERAL REGISTER

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0623; Directorate Identifier 2014–NM–139–AD; Amendment 39–17966; AD 2014–18–02]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2014–05–02 for certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. AD 2014–05–02 required repetitive inspections for cracking and corrosion of the aft pressure bulkhead, repetitive inspections of the frame chord drain path for debris, and corrective actions if necessary; and, for certain airplanes, enlargement of frame chord drain holes. This AD requires the same actions as AD 2014–05–02, but revises a certain repetitive inspection interval to avoid a misunderstanding of the repetitive inspection interval for the aft pressure bulkhead. This AD was prompted by reports from operators expressing confusion regarding a certain repetitive inspection interval for the aft pressure bulkhead. We are issuing this AD to detect and correct corrosion or cracking of the aft pressure bulkhead, which could result in loss of the aft pressure bulkhead web and stiffeners, and consequent rapid decompression of the airplane.

DATES: This AD is effective September 22, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 27, 2002 (67 FR 36085, May 23, 2002).

We must receive any comments on this AD by October 20, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0623; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On February 18, 2014, we issued AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), for certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. AD 2014–05–02 required repetitive inspections for cracking and corrosion of the aft pressure bulkhead, repetitive inspections of the frame chord drain path for debris, and corrective actions if necessary; and, for certain airplanes, enlargement of frame chord drain holes. AD 2014–05–02 resulted from three reports of severe corrosion in the area affected by AD 2002–10–11, Amendment 39–12757 (67 FR 36085, May 23, 2002), which AD 2014–05–02 superseded. We issued AD 2014–05–02 to detect and correct corrosion or cracking of the aft pressure bulkhead, which could result in loss of the aft pressure bulkhead web and stiffeners, and consequent rapid decompression of the airplane.

Actions Since AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014) Was Issued

Since we issued AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), we have received reports from operators expressing confusion regarding the repetitive inspection interval for the aft pressure bulkhead inspection that was required by paragraph (l)(2) of AD 2014–05–02. We are issuing this AD to detect and correct corrosion or cracking of the aft pressure bulkhead, which could result in loss of the aft pressure bulkhead web and stiffeners, and consequent rapid decompression of the airplane.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires the same actions that were required by AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), but we have revised the

wording of the repetitive inspection interval for the aft pressure bulkhead specified in paragraph (l)(2) of this AD to clarify the required action. We have stated that the repetitive inspection interval must be repeated at intervals not to exceed 2 years.

Additional Change to AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)

We have corrected a typographical error in the supplemental type certificate number that is in paragraph (c)(2) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014).

We have also added a statement to paragraphs (k) and (o) of this AD that for repaired areas, the required inspection may be accomplished without removal of the repairs. This change will not increase the economic burden on any operator, nor will it increase the scope of this AD.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because operators have been uncertain of the correct repetitive inspection interval for the aft pressure bulkhead inspection. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2014–0623, and directorate identifier 2014–NM–139–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

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

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection [actions retained from AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)].	4 work-hours × $85 per hour = $340 per inspection cycle.	$0	$340 per inspection cycle.	$142,460 per inspection cycle.

The requirements of this AD add no additional economic burden.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair [actions retained from AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)].	Up to 136 work-hours × $85 per hour = Up to $11,560.	$5,217	Up to $16,777.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), and adding the following new AD:

2014–18–02 The Boeing Company: Amendment 39–17966; Docket No. FAA–2014–0623; Directorate Identifier 2014–NM–139–AD.

(a) Effective Date

This AD is effective September 22, 2014.

(b) Affected ADs

This AD replaces AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014).

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, line numbers (LNs) 1 through 3132 inclusive.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.govRegulatory_and_Guidance_Libraryrgstc.nsf0be866b732f6cf31086257b9700692796$FILEST01219SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by three reports of severe corrosion in the area affected by AD 2002–10–11, Amendment 39–12757 (67 FR 36085, May 23, 2002). We are issuing this AD to detect and correct corrosion or cracking of the aft pressure bulkhead, which could result in loss of the aft pressure bulkhead web and stiffeners, and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) Retained Initial Aft Pressure Bulkhead Inspection

This paragraph restates the requirements of paragraph (g) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with no changes. For Model 737 series airplanes having LNs 1 through 929 inclusive, with more than 20,000 hours time-in-service or 7 years since date of manufacture, whichever occurs first: Within 120 days after January 20, 1986 (the effective date of AD 84–20–03 R1, Amendment 39–5183 (50 FR 51235, December 16, 1985)), unless already accomplished within 21 months before January 20, 1986, visually inspect the body station (BS) 1016 pressure bulkhead, including inspecting for cracking and corrosion of the pressure bulkhead, and for debris in the drain path in the chord frame, according to Boeing Alert Service Bulletin 737–53A1075, Revision 1, dated September 2, 1983; Revision 2, dated July 13, 1984; or Revision 3, dated June 8, 2000. Remove any obstruction to the drain hole in the frame chord and replace any deteriorated leveling compound, as noted in Boeing Alert Service Bulletin 737–53A1075, Revision 1, dated September 2, 1983; Revision 2, dated July 13, 1984; or Revision 3, dated June 8, 2000. Treat the area of inspection with corrosion inhibitor Boeing Material Specification (BMS) 3–23, or equivalent. After June 8, 2000 (the effective date of AD 2014–05–02), use only Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000, to do the actions required by this paragraph.

(h) Retained Drain Hole Enlargement

This paragraph restates the requirements of paragraph (h) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with no changes. For airplanes identified in paragraph (g) of this AD: Within 1 year after January 20, 1986 (the effective date of AD 84–20–03 R1, Amendment 39–5183 (50 FR 51235, December 16, 1985)), accomplish the drain hole enlargement as shown in Boeing Alert Service Bulletin 737–53A1075, Revision 1, dated September 2, 1983; Revision 2, dated July 13, 1984; or Revision 3, dated June 8, 2000. After April 8, 2014 (the effective date of AD 2014–05–02), use only Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000, to do the actions required by this paragraph.

(i) Retained Corrective Action

This paragraph restates the requirements of paragraph (i) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with no changes. If cracking or corrosion is found during any inspection required by paragraph (g) or (j) of this AD: Before further flight, repair according to paragraph (i)(1) or (i)(2) of this AD, as applicable.

(1) If the inspection was done before April 8, 2014 (the effective date of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)): Repair according to Boeing Alert Service Bulletin 737–53A1075, Revision 1, dated September 2, 1983; Revision 2, dated July 13, 1984; or Revision 3, dated June 8, 2000; or according to a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(2) If the inspection was done on or after April 8, 2014 (the effective date of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)): Repair using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(j) Retained Repetitive Visual Inspections of Aft Pressure Bulkhead

This paragraph restates the requirements of paragraph (j) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with no changes. For airplanes identified in paragraph (g) of this AD: Repeat the visual inspections and corrosion inhibitor treatment specified in paragraph (g) of this AD at intervals not to exceed 2 years. Accomplishment of the initial aft pressure bulkhead inspection required by paragraph (k) of this AD terminates the inspection required by this paragraph.

(k) Retained Aft Pressure Bulkhead Detailed Inspection

This paragraph restates the requirements of paragraph (k) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with clarification for repaired areas. Do a detailed inspection for cracking or corrosion of the aft pressure bulkhead at BS 1016 (including the forward and aft sides of the pressure web, forward and aft sides of the pressure chord, pressure chord radius, forward and aft sides of the angle stiffener, forward and aft chord, stringer end fitting, system penetration doublers, channel stiffeners and fasteners, ''Z'' stiffeners and fasteners, and fasteners common to the pressure chord and pressure web), according to Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000. Do this inspection at the applicable time shown in paragraph (k)(1), (k)(2), or (k)(3) of this AD. For repaired areas, this inspection may be accomplished without removal of the repairs.

(1) For airplanes on which an inspection has previously been done according to the requirements of paragraph (g) of this AD: Do the inspection within 2 years since the most recent inspection according to paragraph (g) or (j) of this AD, as applicable. For the airplanes identified in paragraph (g) of this AD, accomplishment of the inspection required by paragraph (k) of this AD terminates the inspections for cracking and corrosion required by paragraph (j) of this AD.

(2) For airplanes having L/Ns 930 through 1042 inclusive, on which an inspection has not previously been done according to paragraph (g) of this AD: Do the inspection within 2 years after June 27, 2002 (the effective date AD 2002–10–11, Amendment 39–12757 (67 FR 36085, May 23, 2002)).

(3) For airplanes having L/Ns 1043 through 3132 inclusive, on which an inspection has

not previously been done according to paragraph (g) of this AD: Do the inspection within 6 years since the airplane's date of manufacture, or within 2 years after June 27, 2002 (the effective date AD 2002–10–11, Amendment 39–12757 (67 FR 36085, May 23, 2002)), whichever occurs later.

(l) Retained Repetitive Detailed Inspections of Aft Pressure Bulkhead

This paragraph restates the requirements of paragraph (l) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with revised compliance times in paragraph (l)(2) of this AD. Repeat the inspection in paragraph (k) of this AD at the applicable time shown in paragraph (l)(1) or (l)(2) of this AD.

(1) For airplanes having L/Ns 1 through 1042 inclusive: Repeat the inspection thereafter at intervals not to exceed 2 years.

(2) For airplanes having L/Ns 1043 through 3132 inclusive: Repeat the inspection within 2 years since the last inspection or within 120 days after April 8, 2014 (the effective date of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)), whichever occurs later. Repeat the inspection thereafter at intervals not to exceed 2 years.

(m) Retained Repair

This paragraph restates the requirements of paragraph (m) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with no changes. If any corrosion or cracking is found during any inspection according to paragraph (k) or (l) of this AD: Do the applicable action specified in paragraph (m)(1) or (m)(2) of this AD.

(1) If the inspection was done prior to April 8, 2014 (the effective date of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)): Before further flight, repair according to Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000. Exception: If corrosion or cracking of the web and stiffeners is outside the limits specified in Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000, or if corrosion or cracking is found in any structure not covered by the repair instructions in Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000, before further flight, repair according to a method approved by the Manager, Seattle ACO; or per data meeting the type certification basis of the airplane approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(2) On or after April 8, 2014 (the effective date of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)), if any corrosion or cracking is found during any inspection required by this AD: Before further flight, repair the corrosion or cracking using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(n) Retained Repetitive Drain Path Inspections

This paragraph restates the requirements of paragraph (n) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with no changes. For airplanes having L/N 1 through 3132 inclusive: Within 2 years since the last inspection in accordance with paragraph (k) of this AD or within 2 years after April 8, 2014 (the effective date of AD 2014–05–02), whichever occurs later: Do a general visual inspection of the drain path in the chord frame for debris, in accordance with Figure 2, Steps 1 through 6, of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000. Remove any obstruction to the drain hole in the frame chord and replace any deteriorated leveling compound. Treat the area of inspection with corrosion inhibitor BMS 3–23, or equivalent, as specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000. Repeat the actions required by this paragraph at intervals not to exceed 2 years. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000. For the purposes of this AD, a general visual inspection is a visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.

(o) Retained Optional Repetitive Aft Pressure Bulkhead Inspections and Corrective Action

This paragraph restates the requirements of paragraph (o) of AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014), with clarification for repaired areas. For airplanes having L/Ns 1043 through 3132 inclusive: In lieu of performing the first inspection after April 8, 2014 (the effective date of AD 2014–05–02), required by paragraph (l)(2) of this AD, operators may do the actions specified in this paragraph. Within 2 years from the most recent aft pressure bulkhead inspection done as specified in the service information identified in paragraph (o)(1), (o)(2), or (o)(3) of this AD, or within 120 days after April 8, 2014, whichever occurs later: Do a detailed inspection for cracking or corrosion of the aft side of the aft pressure bulkhead at BS 1016 (including the aft sides of the pressure web, aft sides of the pressure chord, pressure chord radius, aft chord, stringer end fitting, system penetration doublers, and fasteners common to the pressure chord and pressure web), in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000. For repaired areas, this inspection may be accomplished without removal of the repairs. If any corrosion or cracking is found: Before further flight, repair the corrosion or cracking using a method approved in accordance with the procedures specified in paragraph (p) of this AD. Repeat the inspection thereafter at intervals not to exceed 90 days for a period not to exceed 2 years, until the actions required by paragraph (l)(2) of this AD are accomplished.

(1) Boeing Alert Service Bulletin 737–53A1075, Revision 1, dated September 2, 1983.

(2) Boeing Alert Service Bulletin 737–53A1075, Revision 2, dated July 13, 1984.

(3) Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000.

(p) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved previously in accordance with AD 2002–10–11, Amendment 39–12757 (67 FR 36085, May 23, 2002), are approved as AMOCs for the corresponding provisions of this AD.

(5) AMOCs approved previously in accordance with AD 2014–05–02, Amendment 39–17775 (79 FR 12045, March 4, 2014)), are approved as AMOCs for the corresponding provisions of this AD.

(q) Related Information

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

(r) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on June 27, 2002 (67 FR 36085, May 23, 2002).

(i) Boeing Alert Service Bulletin 737–53A1075, Revision 1, dated September 2, 1983.

(ii) Boeing Alert Service Bulletin 737–53A1075, Revision 2, dated July 13, 1984.

(iii) Boeing Alert Service Bulletin 737–53A1075, Revision 3, dated June 8, 2000.

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

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

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

Issued in Renton, Washington, on August 22, 2014.

Kevin Hull,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–21019 Filed 9–4–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0957; Airspace Docket No. 13–AWP–18]

Establishment of Class E Airspace; Flagstaff, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the Flagstaff VHF Omni-Directional Radio Range/Distance Measuring Equipment (VOR/DME) navigation aid, Flagstaff, AZ, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC). This improves the safety and management of IFR operations within the National Airspace System.

DATES: Effective date, 0901 UTC, November 13, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9X, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

History

On December 27, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish controlled airspace at Flagstaff, AZ (78 FR 78794). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received from the National Business Aviation Association in support of the recommended change.

Class E airspace designations are published in paragraph 6006, of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface, at the Flagstaff VOR/DME navigation aid, Flagstaff, AZ, to accommodate IFR aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC) by vectoring aircraft from en route airspace to terminal areas. This action is necessary for the safety and management of IFR operations.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at the Flagstaff VOR/DME navigation aid, Flagstaff, AZ.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013 is amended as follows:

Paragraph 6006 En route domestic airspace areas.

* * * * *

AWP AZ E6 Flagstaff, AZ [New]

Flagstaff VOR/DME, AZ
(Lat. 35°08′50″ N., long. 111°40′27″ W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 35°51′00″ N., long. 109°19′00″ W.; to lat. 35°41′00″ N., long. 109°38′30″ W.; to lat. 34°47′52″ N., long. 110°18′52″ W.; to lat. 34°30′00″ N., long. 109°35′00″ W.; to lat. 34°00′00″ N., long. 108°53′00″ W.; to lat. 33°52′30″ N., long. 108°45′00″ W.; to lat. 32°29′30″ N., long. 110°45′45″ W.; to lat. 33°33′12″ N., long. 111°51′21″ W.; to lat. 34°01′00″ N., long. 114°00′00″ W.; to lat. 34°40′00″ N., long. 114°00′00″ W.; to lat. 34°52′00″ N., long. 113°42′00″ W.; to lat. 34°55′00″ N., long. 113°37′00″ W.; to lat. 35°15′20″ N., long. 112°55′40″ W.; to lat. 35°23′00″ N., long. 112°40′00″ W.; to lat. 35°23′48″ N., long. 112°09′11″ W.; to lat. 35°24′00″ N., long. 112°00′00″ W.; to lat. 35°46′00″ N., long. 111°50′30″ W.; to lat. 35°42′00″ N., long. 110°14′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on August 14, 2014.

Christopher Ramirez,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2014–20809 Filed 9–4–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 738, 740, 742, 744, 772, and 774

[FR Doc. 2014–18064]

RIN 0694–AD58

Implementation of Understandings Reached at the 2005, 2012, and 2013 Nuclear Suppliers Group (NSG) Plenary Meetings and a 2009 NSG Intersessional Decision; Additions to the List of NSG Participating Countries; Correction

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: The Bureau of Industry and Security (BIS) published a final rule in the **Federal Register** on Thursday, August 7, 2014 (79 FR 46316), that amended the Export Administration Regulations (EAR) to implement the understandings reached at the 2005, 2012, and 2013 Nuclear Suppliers Group (NSG) Plenary meetings. That final rule also amended the EAR to implement a decision adopted under the NSG intersessional silent approval procedures, in December 2009, and to reflect the status of Croatia, Estonia, Iceland, Lithuania, Malta, Mexico, and Serbia as participating countries in the NSG. In that final rule, the amendatory instruction for the EAR supplement that lists ''Country Groups'' contained an error with respect to Mexico. In addition, the amendments to Export Control Classification Number (ECCN) 6A203 in the August 7, 2014, final rule inadvertently omitted the controls that apply to certain radiation-hardened TV cameras and lenses therefor. This document amends the EAR to correct these errors.

Finally, the contact information in the preamble of the August 7, 2014, NSG Plenary rule contained an incorrect telephone number and the saving clause in the preamble omitted specific instructions concerning certain items newly controlled under ECCN 3A225. This document amends the preamble of the August 7, 2014, NSG Plenary rule to correct these errors.

DATES: This rule is effective September 5, 2014, and the corrections herein are applicable beginning August 7, 2014.

ADDRESSES: Send comments regarding this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th Street & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Steven Clagett, Director, Nuclear and Missile Technology Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–1641.

SUPPLEMENTARY INFORMATION: On August 7, 2014, the final rule titled ''Implementation of Understandings Reached at the 2005, 2012, and 2013 Nuclear Suppliers Group (NSG) Plenary Meetings and a 2009 NSG Intersessional Decision; Additions to the List of NSG Participating Countries'' was published in the **Federal Register** (79 FR 46316). That final rule contained certain errors and omissions, which are described below. This final rule amends the preamble of the August 7, 2014, final rule and the Export Administration Regulations (EAR) to correct these errors and omissions.

Technical Amendments to the Preamble of the August 7, 2014, NSG Plenary Rule

Update to Contact Information.

The preamble of the August 7, 2014, final rule contained an incorrect telephone number under the contact information for Steven Clagett, Director, Nuclear and Missile Technology Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security. This document correctly identifies the telephone number as: (202) 482–1641.

Extension of Saving Clause provisions for certain ECCN 3A225 items.

The preamble of the August 7, 2014, final rule omitted from the Saving Clause specific instructions concerning certain items that were added to ECCN 3A225 by the rule. This document amends the Saving Clause by adding a new paragraph, immediately following the first paragraph, to provide specific instructions for exports and reexports of these ECCN 3A225 items. This amendment will provide industry with additional time in which to adjust their export control programs to the new export licensing requirements that resulted from the removal of the ''harmonic distortion parameter'' that was in ECCN 3A225.c prior to August 7, 2014. The removal of this parameter resulted in adding to ECCN 3A225 a whole class of widely used and distributed industrial equipment that

was previously EAR99. Please note that all other EAR license requirements and prohibitions affecting these items continue to apply (e.g., the end-user/end-use based controls described in part 744 of the EAR and the embargoes and other special controls described in part 746 of the EAR).

As amended by this final rule, the Saving Clause for the August 7, 2014, NSG Plenary rule now reads as follows (note that the ''regulatory action'' referred to, therein, is the August 7, 2014, NSG Plenary rule and not this final rule).

Except for ECCN 3A225 items (described below) that were classified as EAR99 prior to the effective date of this rule, shipments of items removed from eligibility for export or reexport under a license exception or without a license (i.e., under the designator ''NLR'') as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on September 8, 2014, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previously applicable license exception or without a license (NLR) so long as they are exported or reexported before September 22, 2014. Any such items not actually exported or reexported before midnight, on September 22, 2014, require a license in accordance with this regulation.

Shipments of those ECCN 3A255 items removed from eligibility for export or reexport under a license exception or without a license (i.e., under the designator ''NLR'') as a result of this regulatory action (specifically, the removal of the ''harmonic distortion parameter'' that was in ECCN 3A225.c prior to August 7, 2014) that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on February 9, 2015, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previously applicable license exception or without a license (NLR) so long as they are exported or reexported before February 23, 2015. Any such items not actually exported or reexported before midnight, on February 23, 2015, require a license in accordance with the license requirements specified in ECCN 3A225.

''Deemed'' exports of ''technology'' and ''source code'' removed from eligibility for export under a license exception or without a license (under the designator ''NLR'') as a result of this regulatory action may continue to be made under the previously available license exception or without a license (NLR) before November 5, 2014. Beginning at midnight on November 5, 2014, such ''technology'' and ''source code'' may no longer be released, without a license, to a foreign national subject to the ''deemed'' export controls in the EAR when a license would be required to the home country of the foreign national in accordance with this regulation.

Amendments to the EAR to Correct Errors in the August 7, 2014, NSG Plenary Rule

Addition of Mexico to Country Group A:4.

The August 7, 2014, final rule contained an error in the amendatory instruction for Supplement No. 1 to part 740 of the Export Administration Regulations (EAR). The amendatory instruction stated that the country, Mexico, was being added to Country Group A when, in fact, it should have indicated that the existing Country Group A entry for Mexico was being revised to include Mexico in Country Group A:4 (Nuclear Suppliers Group). At the time that BIS's August 7, 2014, final rule was published, Mexico was already listed in Country Group A (specifically, under Country Group A:3—Australia Group), as a result of an amendment contained in a final rule that BIS published on March 26, 2014 (79 FR 16664).

As a result of the amendment made by this final rule, Supplement No. 1 to part 740 of the EAR now lists Mexico under both Country Group A:3 (Australia Group) and Country Group A:4 (Nuclear Suppliers Group). With the addition of Croatia, Estonia, Iceland, Lithuania, Malta and Serbia to Country Group A:4 (by the August 7, 2014, final rule) and Mexico (by this final rule), all of the countries whose governments participate in the NSG, except the People's Republic of China, are now listed in Country Group A:4.

Control of Radiation-hardened TV cameras under ECCN 6A203.

The August 7, 2014, final rule also inadvertently omitted intended control language from the amendments to Export Control Classification Number (ECCN) 6A203. Specifically, the August 7, 2014, final rule inadvertently omitted from the List of Items Controlled under ECCN 6A203 certain radiation-hardened TV cameras and lenses therefor that were controlled under ECCN 6A203.c prior to the amendments made by that final rule. This final rule amends ECCN 6A203 to add these items under a new paragraph .d. In addition, this rule adds a related Technical Note immediately following ECCN 6A203.d. As a result of this amendment, ECCN 6A203.d controls ''radiation-hardened TV cameras, or lenses therefor, 'specially designed' or rated as radiation hardened to withstand a total radiation dose greater than 50×10^4 Gy (silicon) without operational degradation.''

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, 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. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694–0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the **ADDRESSES** section of this rule.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (See 5 U.S.C. 553(a)(1)). The changes contained in this rule are technical amendments of a previously published rule that has already been exempted from notice and comment and delay in effective date provisions, because the content of the August 7, 2014, final rule involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). The amendments contained in this final rule are essential to ensuring the accurate and complete implementation of the

August 7, 2014, final rule. Therefore, this regulation is issued in final form.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable. Therefore, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects

15 CFR Part 740

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

15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, parts 740 and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended by making the following correcting amendments.

PART 740—[AMENDED]

■ 1. The authority citation for 15 CFR Part 740 continues to read as follows:

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

■ 2. In Supplement No. 1 to Part 740, Country Groups, Country Group A is amended by revising the entry for ''Mexico'' to read as follows:

SUPPLEMENT NO. 1 TO PART 740—COUNTRY GROUPS

[Country group A]

Country	[A:1]	[A:2] Missile technology control regime	[A:3] Australia group	[A:4] Nuclear suppliers group	[A:5]	[A:6]
* * *	*	*		*	*	
Mexico			X	X		
* * *	*	*		*	*	

PART 774—[AMENDED]

■ 3. The authority citation for 15 CFR Part 774 continues to read as follows:

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

■ 4. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and Lasers, ECCN 6A203 is amended by adding a new paragraph .d and a Technical Note at the end of the ''Items'' paragraph, under the List of Items Controlled section, to read as follows:

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

* * * * *

6A203 High-speed cameras, imaging devices and ''components'' therefor, other than those controlled by 6A003 (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * *
Related Definitions: * * *
Items:

* * * * *

d. Radiation-hardened TV cameras, or lenses therefor, ''specially designed'' or rated as radiation hardened to withstand a total radiation dose greater than 50×10^4 Gy (silicon) without operational degradation.

Technical Note: The term Gy (silicon) refers to the energy in Joules per kilogram absorbed by an unshielded silicon sample when exposed to ionizing radiation.

* * * * *

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2014–21209 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 130403324–4647–03]

RIN 0648–BC94

Boundary Expansion of Thunder Bay National Marine Sanctuary

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule.

SUMMARY: With this final rule, the National Oceanic and Atmospheric Administration (NOAA) expands the boundary of Thunder Bay National Marine Sanctuary (TBNMS or sanctuary), clarifies the correlation between TBNMS regulations and Indian tribal fishing activities, and revises the corresponding sanctuary terms of designation. The new boundary for TBNMS increases the size of the sanctuary from 448 square miles to 4,300 square miles and extends protection to 47 additional known historic shipwrecks of national significance. NOAA has prepared a final environmental impact statement for this action.

DATES: *Effective Date:* Pursuant to section 304(b) of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1434(b)), the revised designation and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on September 5, 2014. NOAA will publish an announcement of the effective date of the final regulations in the **Federal Register**.

ADDRESSES: Copies of the final environmental impact statement (FEIS) described in this rule and the record of decision (ROD) are available upon request to Thunder Bay National Marine

Sanctuary, 500 W. Fletcher, Alpena, Michigan 49707, Attn: Jeff Gray, Superintendent. The FEIS can also be viewed and downloaded at *http://thunderbay.noaa.gov/management/expansion.html.*

FOR FURTHER INFORMATION CONTACT: Jeff Gray, Superintendent, Thunder Bay National Marine Sanctuary at 989–356–8805 ext. 12 or *jeff.gray@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 et seq.) authorizes the Secretary of Commerce (Secretary) to designate and protect as a national marine sanctuaries areas of the marine or Great Lakes environment that are of special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities. Day-to-day management of national marine sanctuaries has been delegated by the Secretary to the Office of National Marine Sanctuaries (ONMS) within the National Oceanic and Atmospheric Administration (NOAA). The primary objective of the NMSA is to protect sanctuary resources.

A. Thunder Bay National Marine Sanctuary

Located in northwestern Lake Huron, Thunder Bay is adjacent to some of the most treacherous stretches of water within the Great Lakes system. Unpredictable weather, murky fog banks, sudden gales, and rocky shoals earned the area the name ''Shipwreck Alley''. Fire, ice, collisions, and storms have claimed nearly 200 vessels in and around Thunder Bay over the last 150 years.

NOAA designated the area as a national marine sanctuary in 2000. The Thunder Bay National Marine Sanctuary and Underwater Preserve (TBNMS or sanctuary) is managed jointly by NOAA and the State of Michigan under a 2002 Memorandum of Agreement. The primary purpose of the sanctuary is to provide comprehensive, long-term protection for these nationally-significant shipwrecks and maritime heritage sites.

To date, 45 shipwrecks have been discovered within the sanctuary boundary designated in 2000. In addition to helping to protect and interpret individual shipwreck sites, managing the sanctuary in the context of a maritime cultural landscape reveals a broad historical canvas that encompasses many different perspectives of the maritime past. Well preserved by Lake Huron's cold, fresh water, the shipwrecks and related maritime heritage sites in and around Thunder Bay are historically, archaeologically and recreationally significant.

B. Need for Action

The purpose of this proposed action is to provide long-term protection and comprehensive management for 47 additional known historic shipwrecks of special national significance, and other maritime heritage resources (e.g., docks, cribs), located in Lake Huron outside the sanctuary's original boundary. The action also provides authority for the protection of additional historic shipwrecks and maritime heritage resources known to be in the area, but yet to be discovered.

Human threats to TBNMS resources include looting and altering sanctuary shipwreck sites and damaging or destroying sites by anchoring. Natural threats include damage from wind, waves, storms and ice. Invasive species such as zebra and quagga mussels also impact TBNMS resources by obscuring surfaces, accelerating corrosion of iron features, or displacing features because of the weight of mussels. Although each of these threats can jeopardize the long term sustainability of sunken historic shipwrecks and other maritime heritage resources, it is when combined they pose the greatest hazard. Thus, in order to ensure long-term protection of nationally significant historical resources, fill important gaps in archeological knowledge and historical context, and enhance sustainable recreational and tourism opportunities within the greater Thunder Bay region, these shipwrecks require the same comprehensive and coordinated management (including extensive research, education, and public outreach programs) NOAA provides to sites within the existing TBNMS boundary.

While state laws and other applicable federal law (such as The Abandoned Shipwreck Act codified in 43 U.S.C. 2101, *et seq.*) intended to reduce the impact of human activities on historic shipwrecks and related maritime heritage resources have been effective, those laws only apply to abandoned property, as defined under the Abandoned Shipwrecks Act of 1987 (43 U.S.C. 2101–2106). There are some historical shipwrecks and artifacts that are significant but are not included in that definition (given they may not be considered ''abandoned''). Therefore, expanding TBNMS will provide these resources with the following conservation benefits: (1) Prohibiting the use of grappling hooks or other anchoring devices on underwater cultural resource sites marked with a mooring buoy; (2) Prohibiting ''hand-taking'' of artifacts even if they are located away from the original shipwreck; (3) Permitting that satisfies Federal Archaeology Program guidelines for all sites located within the revised sanctuary boundary, which prevent inadvertent damage to shipwrecks; and (4) Deterring violations with the ability to assess civil penalties under the NMSA for violation of sanctuary regulations.

C. History of This Process

NOAA designated TBNMS as the nation's thirteenth national marine sanctuary in 2000 for the purpose of: ''Providing long-term protection and management to the conservation, recreational, research, educational, and historical resources and qualities of the area.'' Because new challenges and opportunities emerge with time, the NMSA requires periodic updating of sanctuary management plans (and regulations, if appropriate) to reevaluate sanctuary-specific goals and objectives and to develop management strategies and activities to ensure that the sanctuary best protects its resources. The original TBNMS management plan was written as part of the sanctuary designation process and published in the final environmental impact statement.[1]

The designation of the sanctuary has had a tremendously positive socioeconomic impact on community development and maritime heritage tourism in Northeast Michigan, and as a result, government officials and the public expressed interest in how an expanded sanctuary could further contribute to recreational and tourism opportunities in other regional communities along Lake Huron. The idea of TBNMS boundary expansion has received considerable support over the last several years, including letters, resolutions, Congressional testimony, and Sanctuary Advisory Council recommendations.[2]

During the 2007 TBNMS management plan review process, NOAA established a working group of the Sanctuary Advisory Council to evaluate whether the sanctuary boundary should be expanded to protect, manage, and interpret additional shipwrecks and other potential maritime heritage resources within Lake Huron. The

[1] *http://thunderbay.noaa.gov/pdfs/thunderbayeis.pdf.*

[2] *http://thunderbay.noaa.gov/management/expansion.html.*

boundary expansion working group identified and considered a 4,110-square-mile area that extended the current sanctuary south into Alcona County, north into Presque Isle County, and east to the international border with Canada. The study area was identified based on the density of both known and undiscovered resources; the historical, archaeological, and recreational significance of individual and collective resources; and the maritime landscape. On May 22, 2007, the boundary expansion working group presented this recommendation to the Sanctuary Advisory Council, which then passed a resolution in support of the area. Based on this resolution, Senator Carl Levin and Representative Bart Stupak introduced five sanctuary expansion bills into the U.S. Congress and, but they never passed (S. 2281, S. 380, S. 485, H.R. 6204, and H.R. 905).

In 2009, NOAA published a revised management plan.[3] In response to the Sanctuary Advisory Council's resolution, the management plan included a strategy to ''evaluate and assess a proposed expansion of the sanctuary to a 3,662-square-mile area from Alcona County to Presque Isle County, east to the international border with Canada to protect, manage, and interpret additional shipwrecks and other potential maritime heritage resources'' (Strategy RP–1). This action plan formed the basis for NOAA's current proposed action. (When added to the existing TBNMS boundary, this 3,662-square-mile area results in a total sanctuary area of 4,110 square-miles.)

In April 2012, NOAA held three public scoping meetings on the concept of boundary expansion in Alpena, Harrisville, and Rogers City, MI. In addition, NOAA received several written public comments on boundary expansion, most of which were in support. In fact, several commenters suggested a slightly larger area than 4,110 square-miles to protect an additional five historic shipwrecks. This larger area, for a total of 4,300 square miles, is the final boundary described in this action.

On June 14, 2013, NOAA published in the **Federal Register** a proposed rule (78 FR 35776) and availability of a draft environmental impact statement (DEIS) (78 FR 35928). The rule proposed to increase the geographic size of the sanctuary from 448 square miles to 4,300 square miles and more than double the number of nationally significant shipwrecks protected under the NMSA. The proposed boundary extended from Alcona County, Michigan to Presque Isle County, Michigan, included selected submerged maritime heritage resources in Cheboygan and Mackinaw counties, and ran east to the United States/Canada international boundary. The proposed boundary also included the ports at Rogers City and Presque Isle.

In July 2013, NOAA held three public meetings on the proposed rule in various towns in Michigan, and extended the comment period on three separate occasions, eventually closing on December 19, 2013 (78 FR 49700, 64186 and 73112). NOAA extended the comment period to gather more information from stakeholders and consult with the U.S. Coast Guard (USCG) and U.S. Environmental Protection Agency (EPA), both of whom have regulations that apply to national marine sanctuaries. In response to public comments and information received, NOAA decided to publish an amendment to the proposed rule on May 9, 2014 (79 FR 26654) for two reasons: (1) To propose, in response to comments from the Governor of Michigan and other regional interests, that the ports of Rogers City and Presque Isle not be included in the sanctuary boundary and that the port of Alpena be removed from the sanctuary boundary; and (2) to clarify that sanctuary regulations had no impact on the treaty fishing rights of regional tribes.

The amendment also addressed the Great Lakes shipping industry's concern that the proposed TBNMS expansion would limit or prohibit ballasting operations for vessels transiting the sanctuary, given USCG (33 CFR 151.2050) and EPA requirements (Section 2.2.3.3 of 2013 Vessel General Permit) that require certain vessels equipped with ballast tanks to ''avoid the discharge and uptake of ballast water in areas within, or that may directly affect marine sanctuaries, marine preserves, marine parks, or coral reefs.''

In light of these requirements, the Great Lakes shipping industry requested that NOAA clarify, by the adoption of regulatory text or otherwise, that the uptake and discharge of ballast water in the sanctuary while transiting the lake is permissible. NOAA seriously considered this request, and consulted with the USCG, EPA, and stakeholders to inform its decision-making. Based on information in the written comments, other literature on Great Lakes ballasting, and input from USCG and EPA on their respective requirements (which continue in effect) NOAA believes ballasting operations, to include safety and to control or maintain trim, draught or stability of the vessel, are consistent with the maritime heritage protection mission of the TBNMS, and therefore, are an allowable activity within the proposed boundaries of the sanctuary. As a result, no change was necessary to the proposed rule.

The public comment period on the amended proposed rule closed on June 9, 2014. NOAA's response to the public comments received on the June 14, 2013 proposed rule and the May 9, 2014 amended proposed rule, is in Section V of this final rule.

II. Summary of the Regulations

1. Boundaries

This regulatory action expands the TBNMS boundary, increasing the total area of the sanctuary from 448 square miles to approximately 4,300 square miles. The southern boundary of the sanctuary begins where the southern boundary of Alcona County intersects with the ordinary high water mark of Lake Huron and runs east until it intersects the U.S./Canada international boundary. The eastern boundary of the sanctuary follows the international boundary until it intersects with the 45°50′N line of latitude. The northern boundary follows this line of latitude (45°50′N) westward until it intersects the 84°20′W line of longitude. The western boundary extends south along this line of longitude (84°20′W) until it intersects the ordinary high water mark at Cordwood Point. From there, the western boundary follows the ordinary high water mark as defined by Part 325, Great Lakes Submerged Lands, of P.A. 451 (1994), as amended, until it intersects the southern boundary of Alcona County. As discussed above, the revised boundary does not include the ports of Rogers City and Presque Isle. It also excludes the port of Alpena, which was previously included in the sanctuary boundary.

The table in Appendix A of Thunder Bay National Marine Sanctuary regulations provides several coordinates used to define the boundaries of the sanctuary. A map of this expanded area can be found at *http://thunderbay.noaa.gov/management/expansion.html* and in the final environmental impact statement.

2. Consultation With Federally-Recognized Indian Tribes

As part of this rulemaking, NOAA consulted with the Chippewa Ottawa Resource Authority (CORA) which is the organizing body for the following regional 1836 treaty fishing tribes: Bay Mills Indian Community (Brimley, MI), Grand Traverse Band of Ottawa and

[3] *http://sanctuaries.noaa.gov/management/mpr/tbnmsmp.pdf.*

Chippewa Indians (Suttons Bay, MI), Little River Band of Ottawa Indians (Manistee, MI), Little Traverse Bay Band of Odawa Indians (Petoskey, MI), and Sault Ste. Marie Tribe of Chippewa Indians (Sault Ste. Marie, MI).

As a result of this government-to-government consultation, NOAA is amending the TBNMS regulations to clarify that Indian treaty fishing rights are not modified, altered, or in any way affected by the proposed boundary expansion. In particular, NOAA is adding a definition to the TBNMS definitions at 15 CFR 922.191 that clarifies the term ''treaty fishing rights'' as referring to those rights reserved under the 1836 Treaty of Washington and in subsequent related court decisions. This definition would not replace, but would rather complement, the existing definition of ''traditional fishing'', which refers to the treaty fishing rights without explicitly defining them. This new definition was specifically suggested during consultation with CORA.

In addition, based on the comments received during tribal consultation and during the comment period, NOAA is amending 15 CFR 922.197 to ease concerns raised by the federally-recognized tribes that sanctuary expansion could potentially undercut its treaty fishing rights. This section directs NOAA to regularly consult with the governing bodies of affected federally-recognized Indian tribes regarding areas of mutual concern. Although NOAA already stated that members of a federally-recognized Indian tribe may exercise treaty-secured rights without regards to the regulations that apply to TBNMS (as long as these rights are authorized by the tribe by regulation, license, or permit) under 15 CFR 922.193(b), NOAA believes that adding a statement to a separate section of the TBNMS regulations at 15 CFR 922.197 provides further assurance and clarification to the tribes that treaty fishing rights would not be adversely impacted by sanctuary expansion.

III. Summary of Changes to the Sanctuary Terms of Designation

Section 304(a)(4) of the NMSA requires that the terms of designation for national marine sanctuaries include: (1) The geographic area included within the Sanctuary; (2) the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value; and (3) the types of activities subject to regulation by NOAA to protect those characteristics. This section also specifies that the terms of the designation may be modified only by the same procedures by which the original designation is made.

To implement this action, NOAA is making changes to the TBNMS terms of designation, which were previously published in the **Federal Register** on June 22, 2000 (65 FR 39042). The changes:

1. Modify Article II ''Description of the Area'' by changing the description of the size of the sanctuary and describing its new boundary.

2. Modify Article III ''Characteristics of the Area That Give It Particular Value'' by changing the description of the nationally significant characteristics of the area included in the sanctuary.

3. Modify Article V ''Effect on Other Regulations, Leases, Permits, Licenses, and Rights'' to reflect the new position of the Office of National Marine Sanctuaries within the NOAA organizational structure.

The revised terms of designation are proposed to read as follows (new text in parentheses and deleted text in brackets):

Terms of Designation for the Thunder Bay National Marine Sanctuary and Underwater Preserve

Under the authority of the National Marine Sanctuaries Act, as amended (the ''Act'' or ''NMSA''), 16 U.S.C. 1431 *et seq.*, Thunder Bay and its surrounding waters offshore of Michigan, and the submerged lands under Thunder Bay and its surrounding waters, as described in Article II, are hereby designated as the Thunder Bay National Marine Sanctuary and Underwater Preserve for the purposes of providing long-term protection and management to the conservation, recreational, research, educational, and historical resources and qualities of the area.

Section 304(a)(4) of the NMSA requires that the terms of designation include the geographic area included within the Sanctuary; the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value; and the types of activities that will be subject to regulation by the Secretary of Commerce to protect those characteristics. The terms of designation may be modified only by the procedures provided in Section 304(a) of the Act (the same procedures by which the original designation is made). Thus, the terms of designation serve as a constitution for the Sanctuary.

Article I. Effect of Designation

The NMSA authorizes the issuance of such regulations as are necessary and reasonable to implement the designation, including managing and protecting the conservation, recreational, historical, research, and educational resources and qualities of the Thunder Bay National Marine Sanctuary and Underwater Preserve (the ''Sanctuary''). Section 1 of Article IV of this Designation Document lists those activities that may be regulated on the effective date of designation, or at some later date, in order to protect Sanctuary resources and qualities. Listing does not necessarily mean that an activity will be regulated; however, if an activity is not listed it may not be regulated, except on an emergency basis, unless Section 1 of Article IV is amended to include the type of activity by the same procedures by which the original Sanctuary designation was made, as outlined in Section 304(a) of the NMSA.

Article II. Description of the Area

The Thunder Bay National Marine Sanctuary and Underwater Preserve consists of an area of approximately (4,300) [448] square miles of waters of Lake Huron and the submerged lands thereunder, over, around, and under the underwater cultural resources in Thunder Bay. (The boundaries form a polygon by extending along the ordinary high water mark of the Michigan shoreline from approximately the northern and southern boundaries of Presque Isle and Alcona counties, respectively, cutting across the mouths of rivers and streams, (excluding the harbors at Alpena, Rogers City and Presque Isle), and lakeward from those points along latitude lines to the U.S./Canada international boundary.) [The boundary forms an approximately rectangular area by extending along the ordinary high water mark of the Michigan shoreline from the northern and southern boundaries of Alpena County, cutting across the mouths of rivers and streams, and lakeward from those points along latitude lines to longitude 83 degrees west. The coordinates of the boundary are set forth in Appendix A to the regulations.] (A more detailed description of the boundary and a list of coordinates are set forth in the regulations for the sanctuary at 15 CFR part 922 subpart R.)

Article III. Characteristics of the Area That Give It Particular Value

Thunder Bay and its surrounding waters contain approximately (92 known) [116] (historic) shipwrecks spanning more than a century of Great Lakes maritime history. (Archival research indicates that as many as 100 additional historic shipwrecks may exist in the area but are yet to be formally discovered.) Virtually every type of

vessel used on open Great Lakes waters has been documented in the Thunder Bay region, linking Thunder Bay inextricably to Great Lakes commerce. Most of the Great Lakes trades had a national, and sometimes an international, significance, and resulted in uniquely-designed vessels. Although not all of Thunder Bay's shipwrecks have been identified, studies undertaken to date indicate strong evidence of the [Bay's] (region's) national historic significance. The sunken vessels reflect transitions in ship architecture and construction methods, from wooden sailboats to early iron-hulled steamers.

(We draw s) [S]everal [major] conclusions regarding Thunder Bay's shipwrecks [may be drawn] from research and analysis undertaken to date:

- They are representative of the composition of the Great Lakes merchant marine from 1840 to 1970;
- they provide information on the various phases of American westward expansion;
- they provide information on the growth of American extraction and use of natural resources;
- they illustrate various phases of American industrialization;
- one shipwreck, (the (*Isaac M. Scott,*) may be used to study and interpret a specific event (the Great Storm of 1913) that had strong repercussions regionally, nationally, and internationally; and they provide interpretive material for understanding American foreign intercontinental trade within the Great Lakes. Thunder Bay was established as the first State of Michigan Underwater Preserve in 1981 to protect underwater cultural resources. Increasing public interest in underwater cultural resources underscores the importance of continued efforts to discover, explore, document, study and to provide long-term, comprehensive protection for the Bay's shipwrecks and other underwater cultural resources. (In addition to the submerged resources described above, there are other aspects of the region's maritime cultural landscape. A cultural landscape is a geographic area including both cultural and natural resources, coastal environments, human communities, and related scenery that is associated with historic events, activities or persons, or exhibits other cultural or aesthetic values. The Thunder Bay region is comprised of many shoreline features such as beached shipwrecks, lighthouses, aids to navigation, abandoned docks, working waterfronts and Native American sites. Also important are the intangible elements such as spiritual places and legends.)

Article IV. Scope of Regulations

Section 1. Activities Subject to Regulation. The following activities are subject to regulation under the NMSA, including prohibition, to the extent necessary and reasonable to ensure the protection and management of the conservation, recreational, historical, research and educational resources and qualities of the area:

a. Recovering, altering, destroying, possessing, or attempting to recover, alter, destroy or possess, an underwater cultural resource;

b. Drilling into, dredging or otherwise altering the lake bottom associated with underwater cultural resources, including contextual information; or constructing, placing or abandoning any structure, material or other matter on the lake bottom associated with underwater cultural resources, except as an incidental result of:

(i) Anchoring vessels;

(ii) Traditional fishing operations (as defined in the regulations); or

(iii) Minor projects as defined upon adoption of this regulation in R.322.1013 of Part 325, Great Lakes Submerged Lands of Public Act 451 (1994), as amended, that do not adversely affect underwater cultural resources (see Appendix B of Subpart R);

c. Using grappling hooks or other anchoring devices on underwater cultural resource sites that are marked with a mooring buoy;

d. Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the NMSA or any regulations issued under the NMSA.

Section 2. Consistency with International Law. The regulations governing the activities listed in Section 1 of this Article shall apply to United States-flag vessels and to persons who are citizens, nationals, or resident aliens of the United States and shall apply to foreign flagged vessels and persons who are not citizens, nationals, or resident aliens of the United States to the extent consistent with generally recognized principles of international law, and in accordance with treaties, conventions, and other agreements to which the United States is a party.

Section 3. Emergencies. Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality; or minimize the imminent risk of such destruction, loss, or injury, any and all such activities, including those not listed in Section 1, are subject to immediate temporary regulation, including prohibition. Any such emergency regulation shall not take effect without the approval of the Governor of Michigan.

Article V. Effect on Other Regulations, Leases, Permits, Licenses, and Rights

Section 1. Fishing Regulations, Licenses, and Permits. Fishing in the Sanctuary shall not be regulated as part of the Sanctuary management regime authorized by the Act. However, fishing in the Sanctuary may be regulated [other than under the Act] by (other) Federal, State, Tribal and local authorities of competent jurisdiction, and designation of the Sanctuary shall have no effect on any regulation, permit, or license issued thereunder.

Section 2. Other. If any valid regulation issued by any Federal, State, or local authority of competent jurisdiction, regardless of when issued, conflicts with a Sanctuary regulation, the regulation deemed by the (Office of National Marine Sanctuaries) Director, [Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration,] or his or her designee, in consultation with the State of Michigan, to be more protective of Sanctuary resources shall govern. Pursuant to Section 304(c)(1) of this Act, 16 U.S.C. 1434(c)(1), no valid lease, permit, license, approval, or other authorization issued by any Federal, State, or local authority of competent jurisdiction, or any right of subsistence use or access, may be terminated by the Secretary of Commerce, or his or her designee, as a result of this designation, or as a result of any Sanctuary regulation, if such lease, permit, license, approval, or other authorization, or right of subsistence use or access was issued or in existence as of the effective date of this designation. However, the Secretary of Commerce, or his or her designee, in consultation with the State of Michigan, may regulate the exercise of such authorization or right consistent with the purposes for which the Sanctuary is designated.

Article VI. Alteration of This Designation

The terms of designation, as defined under Section 304(e) of the Act, may be modified only by the same procedures by which the original designation is made, including public hearings, consultations with interested Federal, State, Tribal, regional, and local authorities and agencies, review by the appropriate Congressional committees, and review and non-objection by the Governor of the State of Michigan, and

approval by the Secretary of Commerce, or his or her designee.

[End of Terms of Designation.]

IV. Changes From Proposed to Final Rule

1. Boundary Change

NOAA received several comments on the June 14, 2013 proposed rule regarding the inclusion of the ports at Rogers City (also recognized as Calcite Quarry, Carmeuse), Presque Isle (also recognized as Stoneport Quarry), and Alpena (also recognized as LaFarge North America) within the proposed revised boundaries of TBNMS. In particular, the Governor of Michigan, the Lake Carriers' Association, the Canadian Shipowners Association, the Shipping Federation of Canada, local government officials, other commercial interests, and members of the general public requested these ports not be included within the boundary to avoid any limitation or prohibition on port operations ''critical to the local, regional, and national economies.'' (A map of this expanded area, including the exclusion of the ports mentioned above, can be found on the TBNMS Web site at *http://thunderbay.noaa.gov/management/expansion.html*.)

In response to these concerns, and because NOAA knows of no nationally significant maritime resources within these port areas, NOAA amended the proposed rule that removed those areas. In this final rule, NOAA is finalizing those amendments by not including the ports at Rogers City and Presque Isle within, and removing Alpena from, the TBNMS boundary in the final regulations.

2. Tribal Fishing Rights

NOAA amended the TBNMS regulations at 15 CFR 922.191 and 15 CFR 922.197 in order to clarify that the exercise of Indian treaty fishing rights are not modified, altered, or in any way affected by the proposed boundary expansion. A detailed description of those changes can be found in Section II of this final rule.

3. Technical Change to Boundary Coordinates

There was an inadvertent discrepancy between the narrative description in 15 CFR 922.190 and the actual coordinates of the proposed boundary in Appendix A of the TBNMS regulations. NOAA updated the final rule to ensure that the narrative description accurately reflects the precise location of the sanctuary's proposed boundary.

V. Response to Comments

NOAA received 94 individual comments during the public comment period on the June 14, 2013 proposed rule and the May 9, 2014 amended proposed rule. A summary of the comments are provided below, and when possible, responses to similar comments on the proposed measures have been consolidated.

Support for Expansion

1. *Comment:* Sanctuary expansion will have a positive impact on cultural resource protection by including an additional 47 known shipwreck sites in the sanctuary's research and resource protection programs. Expansion will also have a positive impact on local and regional economies through increased heritage tourism and visiting researchers. Communities in the expanded area are also looking forward to increased education and outreach partnership opportunities.

Response: NOAA agrees and is moving forward with the boundary expansion process.

Tribal Treaty Rights

2. *Comment:* The DEIS and proposed rule do not contain the clear and unambiguous statement that Treaty secured fishing rights shall not now, or in the future be impaired or impeded by NOAA in the exercise of its regulatory authority. Indian tribes who fish in the expanded sanctuary believe the existing TBNMS regulations are ambiguous.

Response: NOAA conducted government-to-government consultations with federally recognized tribes that fish in the current and proposed boundary of the sanctuary, as required by E.O. 13175. Based on this consultation, NOAA amended the regulations to clearly state that Treaty fishing rights are not impacted by sanctuary expansion. NOAA also added and defined the term ''treaty fishing rights'' in the TBNMS definitions at 15 CFR 922.191. This amendment sufficiently addresses concerns raised during the consultation that took place between the tribes and NOAA.

Invasive Species

3. *Comment:* NOAA should review and potentially adopt vessel permitting programs in TBNMS, such as those from other marine protected areas managed by ONMS, specifically as it pertains to the spread of invasive species. NOAA should review the state of Hawai'i's Administrative Rules Chapter 13–76 pertaining to invasive species and assess their applicability to TBNMS.

Response: NOAA believes invasive species are currently well-managed by other Federal and state agencies with jurisdiction over vessel operations in the Great Lakes. Additional NOAA regulations within the TBNMS would not significantly improve the management regime that already exists for invasive species. For the same reasons, NOAA does not believe that additional regulations relating to hull fouling are needed to protect sanctuary resources. Hawai'i's Administrative Rules are not readily applicable to protecting maritime heritage resources in the Great Lakes, which is the purpose of TBNMS. Each national marine sanctuary has its own set of regulations tailored specifically to resource protection needs of that sanctuary. Therefore, NOAA is not altering the permitting framework with respect to TBNMS.

4. *Comment:* The discussion in the environmental impact statement should include data on vessel traffic in the Great Lakes and its impact on sanctuary resources.

Response: Analyzing data on vessel traffic throughout the Great Lakes is beyond the scope of this federal action. The operation and common practices of commercial vessels in the Great Lakes are not affected by the expansion of the sanctuary, and whatever effect they may have on sanctuary resources (if any) would occur regardless of sanctuary expansion. Therefore no additional environmental analysis is required.

5. *Comment:* With the rise of the impact of invasive mussels on shipwrecks, the best way to preserve artifacts is to allow sport divers and commercial salvage companies to remove artifacts from the underwater site. The expansion of TBNMS would not allow removal of artifacts from the dozens or hundreds of shipwrecks located in the expansion area, which would prevent the preservation of many artifacts before they are smothered by invasive mussels.

Response: Salvage of underwater artifacts is prohibited by both NOAA and State of Michigan regulations. As such, should the expansion of TBNMS not occur, salvage would still be prohibited under State law. Additionally, NOAA does not believe salvage of artifacts is in congruence with the TBNMS resource protection mission, nor is it a viable strategy for meeting the challenge of invasive mussels.

Appropriate Type of Protection

6. *Comment:* The Thunder Bay Underwater Preserve provides adequate protection to the region's underwater cultural resources; there is no need to duplicate efforts.

Response: Designation of the sanctuary was intended to build on and strengthen the Thunder Bay Underwater Preserve, which was designated by the state of Michigan in 1981. The management of Thunder Bay National Marine Sanctuary is a partnership between NOAA and the State of Michigan. NOAA and the State work together to ensure they do not duplicate each other's efforts. Given the additional financial resources and legal authorities NOAA has to offer, joint management between the State of Michigan and NOAA provides opportunities that neither could offer on its own. There are numerous benefits associated with a national marine sanctuary, including enhanced opportunities for research and long-term monitoring, additional development of education and outreach efforts, and increased support for enforcement. The designation of an area as a sanctuary draws attention to the fact that the area is nationally significant and worth protecting on a national level.

For a more complete discussion of the differences between State law and Sanctuary regulations, see: Section 5, Regulatory Alternatives, of the Final Environmental Impact Statement/ Management Plan; the Final Environmental Impact Statement: Boundary Expansion June 2014; and the Thunder Bay National Marine Sanctuary Condition Report, February 2013).

7. *Comment:* Designation of the sanctuary will result in the loss of State control of Lake Huron, and a takeover of both management and regulation of the area by the Federal government.

Response: Thunder Bay National Marine Sanctuary does not change the ownership or control of State lands or waters; that is, no loss of State or tribal sovereignty has occurred, or will occur, as a result of national marine sanctuary designation or expansion. NOAA and the State agree that the State's jurisdiction and rights will be maintained and will not be relinquished, and all existing State laws, regulations, and authorities remain in effect. A Memorandum of Understanding (MOU) for the joint management of TBNMS between the State of Michigan and NOAA contains several provisions to address this concern. A key provision states: ''The State of Michigan has not conveyed title to or relinquished its sovereign authority over any State owned submerged lands or other State owned resources, by agreeing to include those submerged lands and resources.''

8. *Comment:* Because TBNMS is being expanded for the purpose of protecting maritime cultural heritage resources, federal restrictions that apply within national marine sanctuaries designated for the purpose of protecting ecological resources should not apply.

Response: National marine sanctuaries are managed as a system by NOAA's Office of National Sanctuaries. The National Marine Sanctuaries Act authorizes NOAA to designate and protect as national marine sanctuaries areas of the marine or Great Lakes environment that are of special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities. The statue does not distinguish the specific resources of particular sanctuaries. Therefore, it is immaterial whether a site is designated for its ecological or cultural characteristics (or both), because all are designated national marine sanctuaries under the statute. For this same reason, other government agencies' regulations or guidelines that refer to national marine sanctuaries do not distinguish sanctuaries based on the specific resources it is designated to protect. As envisioned by Congress, only the individual national marine sanctuary regulations are tailored to the specific resources that the national marine sanctuary is mandated to protect. In this instance, the regulations that NOAA promulgated for TBNMS are focused on protecting the shipwrecks and maritime heritage resources of the sanctuary.

Diver Access

9. *Comment:* Will sanctuary expansion limit diver access to shipwrecks within the sanctuary? Will NOAA release the coordinates of new shipwrecks, unlike when the M.F. Merrick and Etruria were found in 2011 and the coordinates were kept secret?

Response: Sanctuary regulations do not prohibit or limit access to shipwrecks within the current or expanded sanctuary; there is no access restriction for diving on the shipwrecks in TBNMS. TBNMS fosters free and open access to all underwater cultural resources within sanctuary boundaries.

However, on rare occasions (and it has not happened to date at TBNMS), TBNMS may need to place temporary emergency limits on access to a shipwreck for purposes of resource protection. This action would be accomplished through imposition of an emergency regulation pursuant to 15 CFR 922.196. NOAA has not promulgated such regulations since the sanctuary's designation in 2000. In accordance with TBNMS regulations and the MOU with the State, NOAA cannot impose a temporary emergency regulation without the approval of the Governor of Michigan.

Similarly, NOAA may decide to withhold the release of coordinates of a newly discovered, historically significant shipwreck for a period of time so that NOAA and the State can document the site and its artifacts. Under this scenario, NOAA will use agency and partner resources (and possibly volunteers) to document the site. Once documented, the public would be provided full access to the site.

Management Framework

10. *Comment:* Does NOAA have to apply and be granted permits from the State of Michigan to remove or salvage artifacts from Michigan shipwrecks?

Response: NOAA is required to consult with the Michigan State Underwater Archaeologist and Michigan State Archaeologist to conduct activities that may require a state permit, and apply for a permit (currently, through Michigan Department of Environmental Quality and the Office of the State Archaeologist) should one be deemed necessary. In addition, the procedures and criteria for securing a sanctuary permit are set forth in 15 CFR 922.195.

11. *Comment:* How will the sanctuary come up with the funds to adequately manage the sanctuary?

Response: An increase in the TBNMS budget does not automatically accompany sanctuary expansion. Within its current budget, and with supplemental funds from grants and partners, NOAA would provide effective management of sanctuary resources, including on-water research, outreach and education in the expanded sanctuary boundary. More information on TBNMS management can be found in the 2008 final management plan, which is available at *www.thunderbay.noaa.gov,* and in the 2013 Thunder Bay Condition Report found at *http://sanctuaries.noaa.gov/science/condition/tbnms/.*

12. *Comment:* Many of the 200 estimated wrecks included in sanctuary expansion are of no real historical or archaeological value. NOAA has not established that the entire area within the proposed expanded boundary is of special significance.

Response: The collection of 92 known shipwrecks located within the entire new sanctuary boundary represents a large diversity of vessels that navigated the Great Lakes in the 19th and 20th centuries, which NOAA believes, per section 303(a)(2) of the NMSA are of special national significance. This is based on a NOAA-funded study conducted in the Thunder Bay region

during pre-designation of the sanctuary that indicated these shipwrecks would likely qualify as a National Historic Landmark. In addition, several of the known shipwrecks individually have potential national historic significance, e.g., Isaac M. Scott, which foundered in the Great Storm of 1913 (See Section 4 of the FEIS/MP for a complete discussion of these shipwrecks). The expanded boundary was chosen because it includes shipwrecks of particular historical, archeological and recreational value that complement those within the sanctuary's current boundaries. See also the 2013 Thunder Bay National Marine Sanctuary Condition Report. See the 2013 Thunder Bay National Marine Sanctuary Condition Report (*http://sanctuaries.noaa.gov/science/condition/tbnms/*) for a detailed description of the historical and archaeological significance of the resources. The boundary of the sanctuary was chosen to include as many of the shipwrecks in this collection as possible in a shape that would be easily represented on nautical charts.

13. *Comment:* NOAA will have to spend millions of dollars to remove mussels to study the sites of these additional shipwrecks.

Response: Despite the presence of invasive mussels, Great Lakes shipwrecks possess high archeological, historical and recreational value, and NOAA has been able to carry out effective research, resource protection and education programs since the sanctuary's designation in 2000. NOAA does not envision the large scale removal of invasive mussels, but rather selected mussel removal where the benefit of retrieving significant archeological information outweighs any potential damage to a shipwreck site or artifact. Given the scale of invasive mussel infestation in Lake Huron, it is unreasonable and unnecessary to remove all mussels from all shipwrecks in order to achieve significant public benefits. A more thorough discussion of invasive mussels and the impact on sanctuary shipwrecks can be found in the 2013 Thunder Bay Condition report at *http://sanctuaries.noaa.gov/science/condition/tbnms/.*

Expansion Process

14. *Comment:* Why did NOAA conduct the expansion hearings rather than the State of Michigan or a federal entity?

Response: NOAA was carrying out its statutory duty. Section 304(a)(3) of the NMSA requires NOAA to conduct public hearings and receive views of interested parties whenever the agency is designating or amending the designation of a national marine sanctuary. NOAA's actions were consistent with the laws governing public review of Federal actions. In addition, because TBNMS is jointly managed with the State of Michigan, appropriate state agencies were consulted during the entire expansion process.

15. *Comment:* Why were the hearings not held in Lansing?

Response: Section 304(a)(3) of the NMSA requires public hearings to be held in the areas most affected by the expansion. Given this, NOAA selected communities that were the most likely to be affected by the expansion of the sanctuary. Recognizing that it is not cost-effective to hold hearings in every community, NOAA also accepted submissions of public comments by mail as well as electronically during a public comment period that extended from June 14 to December 19, 2013. NOAA afforded the public an additional opportunity to express views when the agency published the amended proposed rule and reopened the public comment period from May 9, 2014 through June 9, 2014.

16. *Comment:* Who votes on expansion and when?

Response: No one actually votes on expansion. Rather, the sanctuary boundary expansion process was part of an administrative action led by NOAA, which included significant opportunity for public input during the scoping period (April 12 through May 25, 2012) as well as during the public comment period on the proposal (June 14 to December 19, 2013). Additionally, expansion was a major issue addressed in Thunder Bay's Management Plan Review process that took place between 2006 and 2009. As part of this process, there were numerous opportunities for public comment. Ultimately, the Management Plan included a strategy for the sanctuary to explore boundary expansion, as recommended by a 2007 SAC resolution. For more information see: *http://thunderbay.noaa.gov/management/management_plan.html* All public comments were reviewed, analyzed, and integrated in the final action. As a result, NOAA, in collaboration with the State of Michigan, under authority given by the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), made the decision to expand TBNMS.

17. *Comment:* With the current federal financial situation, why would NOAA want to expand its reach into the Great Lake rather than serve its core mission?

Response: NOAA's mission is ''Science, Service, and Stewardship'' and includes a specific goal to conserve and manage coastal and marine ecosystems and resources (*http://www.noaa.gov/about-noaa.html*). The expansion of TBNMS serves to further NOAA's core mission by protecting the nationally significant maritime heritage resources of the Thunder Bay region.

18. *Comment:* NOAA failed to include an analysis of cost and benefits required under section 303(b)(1)(H) of the NMSA (16 U.S.C. 1431 et seq.) or an analysis of economic impacts in Regulatory Flexibility. Analysis required under the Regulatory Flexibility Act (5 U.S.C. 601–602).

Response: NOAA believes it has adequately analyzed the environmental and socioeconomic impacts of this action in the environmental consequences section of the FEIS, as well as in the Regulatory Flexibility Act summary located in the classification section in the proposed rule. NOAA did not include an extensive description of costs to the Great Lakes shipping industry related to its action because no negative impacts to that industry are expected to result from this action.

19. *Comment:* NOAA failed to include an analysis of impacts under NEPA (42 U.S.C. 4321 et seq.) and to consult with appropriate stakeholders.

Response: See response to Comment 18 with regards to NOAA's analysis of impacts. NOAA disagrees with the commenter's statement that it did not conduct consultation with appropriate stakeholders. NOAA published a notice of intent to prepare a draft EIS on April 12, 2012 (77 FR 21878), followed by a public comment period of approximately 45 days. During this time, NOAA held three public scoping meetings to gather input from the communities on possible boundary expansion alternatives. In June 2013, NOAA published the proposed rule (78 FR 35776) and draft EIS and held another public comment period with public hearings, which was extended until December 2013. In response to the public comments that were received, NOAA amended the proposed rule and re-opened the comment period for another 30 days, from May 9, 2014 to June 9, 2014 (79 FR 26654). Therefore, NOAA believes it has more than adequately fulfilled the requirement to engage with stakeholders during a public process.

20. *Comment:* The Environmental Impact Statement (EIS) for boundary expansion should include an analysis of increased traffic on existing roadways, along with analysis of need to expand existing facilities and parking area. The

EIS should evaluate the impact to surrounding wetlands and flood plains.

Response: NOAA does not believe that sanctuary expansion requires an analysis of increased traffic of existing roadways. Current sanctuary facilities and parking will adequately accommodate any increase in visitation resulting from sanctuary boundary expansion, and no new such facilities are currently in development. If NOAA pursues the development of a new facility or parking area in the future, it will comply with all requirements for public notification and review and will prepare an environmental analysis under NEPA as part of a separate public process. In addition, NOAA does not believe that boundary expansion would have any impact on wetlands or flood plains.

21. *Comment:* NOAA failed to include a resource assessment as required under section 304(a)(2)(B) of the NMSA.

Response: The EIS as a whole documents all of the topics covered in a resource assessment, such as ''present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development [not applicable in TBNMS], subsistence uses, and other commercial, governmental, or recreational uses'', and this analysis was available for public review from June 2013 to June 2014. Therefore, NOAA believes it has met all the requirements of the NMSA that apply to this action.

22. *Comment:* NOAA should reserve a seat for a marine industry representative on the TBNMS Sanctuary Advisory Council (SAC) to ensure continued industry input and engagement on management of the sanctuary.

Response: The issue of Sanctuary Advisory Council (SAC) composition was raised as early as 2007 when the concept of expanding the sanctuary was first discussed. Once sanctuary expansion is final, the SAC will discuss the possibility of changing the number and composition of its seats. In the meantime, any representative from the marine industry could apply to the business seat when the position is up for selection. There is also a period of time devoted to public comment during every SAC meeting, when anyone interested in matters related to TBNMS are welcome to attend and provide comment on the record. The TBNMS SAC meeting schedule can be found at [*http://thunderbay.noaa.gov/management/advisory_council.html*].

Jurisdiction Over Shipwrecks

23. *Comment:* How will sanctuary expansion affect the Abandoned Shipwreck Act of 1987, which states that a shipwreck has to be both abandoned and ''embedded'' on the bottomlands in order for the state to own it.

Response: Sanctuary designation and subsequent boundary expansion has no effect on the Abandoned Shipwreck Act of 1987 and the state's ownership of historic shipwrecks.

24. *Comment:* Does the maritime law of salvage trump sanctuary authority?

Response: The law of salvage is a concept in maritime law which states that a person who recovers another person's ship or cargo after peril or loss at sea is entitled to a reward commensurate with the value of the property so saved. In the case of TBNMS, all shipwrecks within the sanctuary are located on State of Michigan bottomlands. This means that any salvage that might take place in the sanctuary would require a state permit and review by the sanctuary. State of Michigan Public Act 154 and Public Act 452 of 1988 govern the recovery of submerged artifacts, and sanctuary regulations prohibit recovering, altering, destroying, possessing, or attempting to recover, alter, destroy or possess an underwater cultural resource.

Enforcement

25. *Comment:* Will enforcement just pertain to wrecks, or will it be expanded to a comprehensive program over the water and under the water?

Response: Law enforcement within TBNMS applies only to the enforcement of sanctuary regulations. All sanctuary regulations, as currently implemented, pertain solely to maritime heritage resources; any activity considered illegal by other regulations (such as those of another Federal agency), whether over or under the water, could not (and would not) be subject to NOAA enforcement authority.

Boundary Concerns

26. *Comment:* There is a discrepancy between the narrative description and the actual coordinates of the proposed boundary.

Response: NOAA updated the final rule to ensure that the narrative description accurately reflects the precise location of the sanctuary's proposed boundary.

27. *Comment:* The expansion should include some of the adjacent land as well, since there are parts of several wrecks that exist on land adjacent to the wrecks either because of natural phenomena or from human intervention.

Response: As agreed to by the State of Michigan and NOAA during the sanctuary's designation, the landward boundary of the sanctuary is defined by the Ordinary High Water Mark (see page 191 in the Thunder Bay National Marine Sanctuary and Underwater Preserve *Final Environmental Impact Statement (2000)*). The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) directs NOAA to designation as marine national sanctuaries areas of the marine environment that meet certain criteria, where ''marine environment'' is defined as ''those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law'' (16 U.S.C. 1432 (3)). Therefore, NOAA would not have the authority to include adjacent lands in TBNMS.

28. *Comment:* NOAA should consider including in the Preferred Boundary Alternative several shipwrecks around Reynolds and Spectacle Reefs, near Cheboygan, Michigan.

Response: NOAA analyzed these areas in its Draft Environmental Impact Statement, and ultimately included these shipwrecks in its Preferred Boundary Alternative.

29. *Comment:* The ports used for commercial shipping should not be included in the sanctuary expansion area.

Response: NOAA received several comments on the proposed rule published on June 14, 2013 regarding inclusion of the ports at Rogers City (also recognized as Calcite Quarry, Carmeuse), Presque Isle (also recognized as Stoneport Quarry), and Alpena (also recognized as LaFarge North America) within the proposed revised boundaries of TBNMS. In particular, the Governor of Michigan, the Lake Carriers' Association, the Canadian Shipowners Association, the Shipping Federation of Canada, local government officials, other commercial interests, and members of the general public requested these ports not be included within the boundary to avoid any limitation or prohibition on port operations ''critical to the local, regional, and national economies.'' (A map of this expanded area, including the exclusion of the ports mentioned above, can be found on the TBNMS Web site at *http://thunderbay.noaa.gov/management/expansion.html*.) In response to these concerns, and because NOAA knows of no nationally significant maritime resources within these port areas, NOAA did not include the ports at Rogers City and Presque Isle within, and removed Alpena from, the revised TBNMS boundary in the final regulations.

30. *Comment:* NOAA should designate the sanctuary with boundaries restricted to a one-mile radius around each known and future discovered shipwreck.

Response: The final boundary configuration identified in this final rule reflects considerable input and recommendations from a wide variety of interests in the greater Thunder Bay region. (A history of the public's involvement with this process can be found at *http://thunderbay.noaa.gov/management/expansion.html*.) NOAA chose to analyze the alternatives in the DEIS based on this input and has ultimately decided to implement the boundary configuration of the preferred alternative, which received widespread public support.

31. *Comment:* The port of Alpena was never included in the original TBNMS boundary.

Response: The original boundary of TBNMS included the port of Alpena (65 FR 39042). The description set forth in 15 CFR 922.190 referred to the ordinary high water mark (OHWM) as the shoreward boundary of the sanctuary. However, this final rule is altering the boundary to remove the port of Alpena from the new boundary of the sanctuary.

Discharges and Shipping Operations

32. *Comment:* Sanctuary expansion would limit the ability of commercial ships to conduct routine ship operations, particularly ballasting, within the new sanctuary boundary. Specifically, the enforcement of U.S. Coast Guard (USCG) and U.S. Environmental Protection Agency (EPA) requirements regarding ballast water exchange would result in negative consequences to commercial shipping. Some commenters, including the Governor of Michigan, requested that the ports of Alpena, Rogers City and Presque Isle not be included in the boundary of the Thunder Bay National Marine Sanctuary.

Response: As a response to specific requests from the Governor of Michigan, the Lake Carriers' Association, the Canadian Shipowners Association, and the Shipping Federation of Canada, NOAA published an amended proposed rule (79 FR 26654) proposing to make changes to the boundary initially put forward for sanctuary expansion. Specifically, NOAA decided not to include the commercial ports at Presque Isle and Rogers City in the expanded sanctuary boundary. NOAA also excluded the port at Alpena from the original sanctuary boundary. The majority of ship ballasting occurs at these three ports. NOAA knows of no nationally significant maritime resources within these port areas; therefore, delineating a boundary that does not include these three ports does not result in any negative effects to the maritime heritage resources in that region. In addition, with this rulemaking, NOAA is clarifying ballasting operations are consistent with the maritime heritage protection mission of the TBNMS, an allowable activity within the revised boundaries of the sanctuary (the response to question 33 below elaborates further on this issue).

33. *Comment:* The proposed expansion of TBNMS threaten the viability of the Great Lakes shipping industry due to USCG and EPA regulations prohibiting certain essential and unavoidable discharge of ballast water within the boundaries of a national marine sanctuary.

Response: According to many commenters, the uptake and discharge of ballast may occur while transiting the sanctuary ''in response to weather conditions, to accommodate a port call, enter a restricted channel, or as part of routine operations known as trimming''. To illustrate when ballasting might be performed in response to weather conditions, one commenter explained: ''Ballast is used to lower a vessel deeper into the water and by doing so stabilize the vessel so there is less exposure of a vessel's profile to the winds.''

Another commenter highlighted the importance of ballast ''trimming'' by explaining a vessel may take on ballast water ''to slow its speed and eventually come to a complete stop as it approaches a port and eventually reaches the dock.'' Yet another commenter noted ''The 'trimming' process involves the adjustment of levels of ballast water in the vessel for reasons that involve the safety, stability, and efficiency of the vessel. Some have analogized the trimming of a vessel to the necessary and important operational adjustments that an airline pilot makes as [the pilot] flies and lands an airplane''.

Consistent with these comments, the Great Lakes shipping industry requested that NOAA clarify, by the adoption of regulatory text or otherwise, that the uptake and discharge of ballast water in the sanctuary while transiting the lake is permissible, even in light of USCG and EPA requirements regarding the avoidance of ballast in areas such as national marine sanctuaries. NOAA seriously considered this request, and consulted with the USCG, EPA, and stakeholders to inform its decision-making. Based on information in the written comments, other literature on Great Lakes ballasting, and input from USCG and EPA on their respective requirements (which continues in effect) NOAA believes ballasting operations, to include safety and to control or maintain trim, draught or stability of the vessel, are consistent with the maritime heritage protection mission of the TBNMS, and therefore, are an allowable activity within the proposed boundaries of the sanctuary. As a result, no change was necessary to the regulations presented in the proposed rule.

34. *Comment:* Expansion of the prohibition on discharge of bilge water, which originates in the U.S. Environmental Protection Agency (EPA)'s VGP restrictions, is unnecessary. Bilge water is highly regulated and is only discharged after processing through an oily water separator capable of producing an effluent with an oil content of less than 5ppm.

Response: NOAA agrees that further regulations on the discharge of bilge water in the waters of TBNMS were not necessary for the primary purpose of maritime heritage resources. Therefore, NOAA did not propose to implement additional regulations on the discharge of bilge water. In addition to USCG regulations (33 CFR 151.10), bilge water is regulated by EPA (Section 2.2.2 of 2013 Vessel General Permit), which requires the operator of a vessel greater than 400 gross tons to not discharge treated bilge water into waters of a national marine sanctuary. However, EPA mentions that such discharge is allowed if necessary to maintain the stability and safety of the ship (Section 2.2.2 of 2013 Vessel General Permit), which mitigates the impact that this regulation may have as a result of the expansion of TBNMS.

35. *Comment:* The proposed expansion will unnecessarily and inadvertently extend prohibitions on essential and normal bulk carrier operations, such as discharge of minimal quantities of benign dry cargo residues to such an area that it will severely disrupt or limit commercial marine operations. It is critical that shippers be allowed to wash down dry bulk cargo residue at port and while underway to prevent accumulation of cement dust which turns to hard cement under wet conditions.

Response: The USCG restrictions on the practice of washing down dry bulk cargo residue, known as dry cargo sweeping, apply within the original TBNMS boundary (33 CFR 151.66). This final rule does not result in any changes to those USCG regulations and dry cargo sweeping will not be impacted. Moreover, dry cargo sweeping is prohibited by State law in all Michigan

waters. For more information on state laws governing discharges practices, see Section 324.9502 and Subsection 9501(d) of Part 95, Watercraft Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

36. *Comment:* For safe vessel operations, vessels must be able to anchor if necessary to prevent damage to human life, property and the environment. It is not clear whether anchoring would be allowed in TBNMS.

Response: TBNMS regulations do not include a prohibition on anchoring in the sanctuary. The use of anchors or grappling hooks is prohibited only on underwater cultural resource sites that are marked with a mooring buoy. Moreover, the prohibition does not apply to any activity necessary to respond to an emergency threatening life or the environment.

37. *Comment:* NOAA should adopt regulations similar to those in Gray's Reef National Marine Sanctuary (GRNMS) to clarify that ballast water exchange would be allowed in TBNMS.

Response: The regulations for GRNMS prohibit ''operating a watercraft other than in accordance with the Federal rules and regulations that would apply if there were no Sanctuary'' (15 CFR 922.92(a)(4)). This does not mean that a watercraft, or vessel, could operate in GRNMS with disregard to other agencies' regulations, as implied by the commenter. The regulatory history of the GRNMS language shows that NOAA has historically required vessels ''to be operated in accordance with Federal rules and regulations'' (46 FR 7942). This means that any vessel in GRNMS should not only comply with sanctuary regulations but also with any other regulation by another government agency that pertains to vessels. Therefore, adopting a similar language in TBNMS would not, in fact, provide an exemption from the regulations and guidelines set forth by the USCG and EPA.

National Guard Operations

38. *Comment:* Alternative C of the proposed expansion overlaps the boundaries of Restricted Area (R–4207) used by Alpena Combat Readiness Training Center (CRTC) for military operations as issued by the Federal Aviation Administration (FAA). The Michigan Air National Guard (MANG) requests the opportunity to provide further comment in the event that a new wreck is discovered in the confines of R–4207 and requests that NOAA better define the types of activities subject to regulation by NOAA in the terms of designation.

Response: A list of activities subject to regulation by NOAA is found in Article IV, Section I of the terms of designation, which can be found in Section III of this final rule. This list defines sufficiently the types of activities subject to regulation by NOAA, and thus NOAA is making no changes. NOAA has provided the MANG with a map depicting the location of the shipwrecks currently known in TBNMS. NOAA will initiate consultation with the MANG should a new wreck be found within the confines of R–4207.

VI. Classification

A. National Environmental Policy Act

NOAA has prepared a final environmental impact statement to evaluate the impacts of this proposed rulemaking. No significant adverse impacts to resources and the human environment are expected. Rather, long-term beneficial impacts are anticipated if the proposed action is implemented. Under NEPA (43 U.S.C. 4321 et seq.), an environmental assessment would have sufficed to analyze the impacts of this action since NOAA's analysis showed that no significant impacts were likely. However, the NMSA requires NOAA to publish a draft environmental impact statement (DEIS) regardless of the intensity of the impacts of the proposed action if NOAA is considering changing the terms of designation of a sanctuary (16 U.S.C. 1434 (a)(2)). Copies of the FEIS are available at the address and Web site listed in the **ADDRESSES** section of this proposed rule.

B. Executive Order 12866: Regulatory Impact

This final rule has been determined to be not significant within the meaning of Executive Order 12866.

C. Executive Order 13132: Federalism Assessment

NOAA has concluded this regulatory action does not have federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132.

D. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Concurrent with the development of this rulemaking, NOAA invited the Chippewa Ottawa Resource Authority (CORA) to participate in government-to-government consultation. CORA is the organizing body for representatives from the Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Odawa Indians, Sault Ste. Marie Tribe of Chippewa Indians. NOAA made changes to TBNMS regulations as a result of consultation under E.O. 13175, as identified in Section II of this final rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended and codified at 5 U.S.C. 601 *et seq.,* requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (*5 U.S.C. 553*) or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Under section 605(b) of the RFA, however, if the head of an agency (or his or her designee) certifies that a rule will not have a significant impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis. Pursuant to section 605(b), the Chief Counsel for Regulation, Department of Commerce, submitted a memorandum to the Chief Counsel for Advocacy, Small Business Administration, certifying that original proposed rule would not have a significant impact on a substantial number of small entities. The rationale for that certification was set forth in the preamble of that rule (78 FR 35776; Jun. 14, 2013). As explained in the preamble of the amended rule published on May 9, 2014 (79 FR 26654), the changes to the sanctuary boundary (removing the ports of Alpena, Roger City, and Presque Isle) and clarification Indian tribal fishing rights did not affect the determination of no significant economic impact. During the comment periods for the proposed rule and amended proposed rule, NOAA received 20 individual submissions commenting on the economic impact of prohibiting ballast water and other discharges in the area of the expanded sanctuary. These comments are summarized and responded to in comments 18, 19, 32, 33, 34 and 35 in the section above. As discussed in these comments, NOAA explained that it does not anticipate vessel operations (specifically ballasting operations) to be impacted as a result of this rulemaking. No changes to the proposed measures were made as a result of these public comments. Therefore, the determination that this rule will not have a significant economic impact on a substantial number of small entities is unchanged. As a result, a final regulatory flexibility analysis is not required and one was not prepared.

F. Paperwork Reduction Act

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA), which has been approved by the Office of Management and Budget (OMB) under control number 0648–0141. The public reporting burden for national marine sanctuary general permits is estimated to average 1 hour 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Nationwide, NOAA issues approximately 200 national marine sanctuary general permits each year. Of this amount, TBNMS does not typically issue any sanctuary general permits. The permitting regulations for TBNMS specify that under certain conditions a person may conduct an otherwise prohibited activity if it is conducted in accordance with a state permit and the State Archaeologist certifies to NOAA that the activity will be conducted consistent with the Memorandum of Agreement. In the absence of certification from the State Archaeologist or if no State permit is required, a person may secure a sanctuary general permit directly from NOAA to conduct a prohibited activity if the activity is conducted in accordance with a Federal permit. Even though this proposed rule may result in a few additional permit applications, due to the overall larger area under management, this rulemaking would not appreciably change the average annual number of respondents on a national level or the reporting burden for this information requirement. Therefore, NOAA has determined that the proposed regulations do not necessitate a modification to its information collection approval by the Office of Management and Budget under the Paperwork Reduction Act.

Comments on this determination were solicited in the proposed rule. No comments were received. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

G. National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA; Public Law 89–665; 16 U.S.C. 470 et seq.) is intended to preserve historical and archaeological sites in the United States of America. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices. Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP (36 CFR part 800). The Michigan State Historic Preservation Office, which implements section 106 of the NHPA, is located in the Michigan State Housing Development Authority. NOAA has and continues to consult with the State Historic Preservation Officer on matters related to Section 106 of the NHPA. A programmatic agreement will be developed after the expansion of the sanctuary becomes effective and if it is determined to be necessary.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Fishing gear, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Wildlife.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: August 28, 2014.

Holly A. Bamford,

Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration.

Accordingly, for the reasons set forth above, NOAA amends part 922, title 15 of the Code of Federal Regulations as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

■ 1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

Subpart R—Thunder Bay National Marine Sanctuary and Underwater Preserve

■ 2. Revise § 922.190 to read as follows:

§ 922.190 Boundary.

(a) Except as provided in paragraph (b) of this section, the Thunder Bay National Marine Sanctuary and Underwater Preserve (Sanctuary) consists of an area of approximately 4,300 square miles of waters of Lake Huron and the submerged lands thereunder, over, around, and under the underwater cultural resources in Thunder Bay. The eastern boundary of the sanctuary begins at the intersection of the southern Alcona County boundary and the U.S./Canada international boundary (Point 1). The eastern boundary of the sanctuary approximates the international boundary passing through Points 2–5. The boundary continues west through Point 6 and then back to the northeast until it intersects with the 45.83333°N line of latitude at Point 7. The northern boundary follows the line of latitude 45.83333°N westward until it intersects the −84.33333°W line of longitude at Point 8. The western boundary extends south along the −84.33333°W line of longitude towards Point 9 until it intersects the ordinary high water mark at Cordwood Point. From there, the western boundary follows the ordinary high water mark as defined by Part 325, Great Lakes Submerged Lands, of P.A. 451 (1994), as amended, cutting across the mouths of rivers and streams until it intersects the line formed between Point 10 and Point 11 south of Rogers City, MI. From there the boundary moves offshore through Points 11–15 in order until it intersects the ordinary high water mark along the line formed between Point 15 and Point 16. At this intersection the boundary continues to follow the ordinary high water mark south until it intersects with the line formed between Point 17 and Point 18 near Stoneport Harbor Light in Presque Isle, MI.

From there the boundary moves offshore through Points 18–20 in order until it intersects the ordinary high water mark along the line formed between Point 20 and Point 21. At this intersection the boundary continues to follow the ordinary high water mark south until it intersects the line formed between Point 22 and Point 23 near the Lafarge dock in Alpena, MI. At this intersection the boundary moves towards Point 23 until it intersects the ordinary high water mark. At this intersection the boundary follows the ordinary high water mark south until it intersects the southern Alcona County boundary along the lined formed between Point 24 and Point 25 in Greenbush, MI. Finally, at this intersection the boundary moves eastward and offshore until it reaches Point 25.

(b) Excluded from the Sanctuary boundary are the following ports:

(1) Rogers City;

(2) Presque Isle; and

(3) Alpena.

(c) The coordinates of each boundary area appear in appendix A of this subpart.

■ 3. Amend § 922.191(a) by revising the definition for ''Traditional fishing'' and adding the definition for ''Traditional fishing rights'' in alphabetical order to read as follows:

§ 922.191 Definitions.

(a) * * *

* * * * *

Traditional fishing means those commercial, recreational, and subsistence fishing activities that were customarily conducted within the Sanctuary prior to its designation or expansion, as identified in the relevant Final Environmental Impact Statement and Management Plan for this Sanctuary. Traditional fishing includes tribal fishing rights as provided for in the 1836 Treaty of Washington and subsequent court decisions related to the Treaty.

Treaty fishing rights means those rights reserved in the 1836 Treaty of Washington and in subsequent court decisions related to the Treaty.

* * * * *

■ 4. Revise § 922.197 to read as follows:

§ 922.197 Effect on affected federally-recognized Indian tribes.

The exercise of treaty fishing rights is not modified, altered, or in any way affected by the regulations promulgated in this Subpart. The Director shall consult with the governing body of each federally-recognized Indian tribe mentioned in the 1836 Treaty of Washington and in subsequent court decisions related to the Treaty regarding any matter which might affect the ability of the Tribe's members to participate in treaty fishing activities in the Sanctuary.

■ 5. Revise Appendix A to Subpart R of Part 922 to read as follows:

Appendix A to Subpart R of Part 922—Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Coordinates

[Based on North American Datum of 1983]

Point ID	Latitude (north)	Longitude (west)
1	44.512834	−82.329519
2	44.858147	−82.408717
3	45.208484	−82.490596
4	45.335902	−82.52064
5	45.771937	−83.483974
6	45.773944	−83.636867
7	45.833333	−83.584432
8	45.833333	−84.333333
9*	45.662858	−84.333333
10*	45.41733	−83.77327
11	45.42103	−83.79487
12	45.42708	−83.79371
13	45.42343	−83.75318
14	45.41748	−83.75333
15	45.41210	−83.76805
16*	45.40738	−83.76785
17*	45.29672	−83.41908
18	45.29682	−83.40965
19	45.29010	−83.40965
20	45.29464	−83.41914
21*	45.29681	−83.42277
22*	45.06632	−83.40715
23*	45.06560	−83.40810
24*	44.511734	−83.320169
25	44.512834	−82.329519

Note: The coordinates in the table above marked with an asterisk (*) are not part of the sanctuary boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline for the purpose of charting the boundary.

[FR Doc. 2014–20965 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 627

[FHWA Docket No. FHWA–2013–0039]

RIN 2125–AF64

Value Engineering

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FHWA is updating the existing value engineering (VE) regulations to make them consistent with the statutory changes in the Moving Ahead for Progress in the 21st Century Act (MAP–21) and to make other non-substantive changes for clarity.

DATES: This final rule is effective October 6, 2014.

FOR FURTHER INFORMATION CONTACT: For technical information: Mr. Ken Leuderalbert, FHWA Utilities and Value Engineering Program Manager, FHWA Office of Program Administration, 317–226–5351, or via email at *ken.leuderalbert@dot.gov.* For legal questions, please contact Mr. William Winne, FHWA Office of the Chief Counsel, 202–366–1397, or via email at *william.winne@dot.gov.* Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document, the notice of proposed rulemaking (NPRM), and all comments received may be viewed online through the Federal eRulemaking portal at: *http://www.regulations.gov.* The Web site is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's Web site at *http://www.archives.gov* or the Government Printing Office's Web site at *http://www.gpo.gov/fdsys/.*

Background

This final rule modifies the regulations that govern VE analyses in the planning and development of highway improvement projects due to recent changes to section 106(e) of title 23, United States Code. On July 6, 2012, MAP–21 (Pub. L. 112–141) was signed into law. Section 1503(a)(3) of MAP–21 amended 23 U.S.C. 106(e) by increasing the project monetary thresholds that trigger a VE analysis; eliminating the VE analysis requirement for design-build projects; and defining the requirements for a State Transportation Agency (STA) to establish and sustain a VE program.

The National Highway System Designation Act of 1995 directed the Secretary to establish a program that required States to carry out a VE analysis for all Federal-aid highway projects on the National Highway System (NHS) costing $25 million or more. On February 14, 1997, FHWA established the FHWA VE program and the requirement that STAs create and sustain a VE program at title 23, Code of Federal Regulations, part 627 (23 CFR 627). Section 1904 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59) required that a VE analysis be conducted for bridge projects with an estimated total cost of $20 million or more and any other projects as determined by the Secretary of Transportation.

Section 1503(a)(3) of MAP–21 amends 23 U.S.C. 106(e) to modify the requirements for the value engineering program and raise the VE analysis requirement threshold to $50,000,000 or more for projects on the NHS that use Federal-aid Highway Program Funding assistance, and $40,000,000 or more for bridge projects on the NHS that receive Federal assistance. Section 1503(a)(3) removed the VE analysis requirement for design-build projects. In addition, MAP–21 defined the requirements for an STA to establish and sustain a VE program under which VE analyses are conducted on all applicable projects, consistent with the current regulations pertaining to STA VE Programs (as specified in 23 CFR 627.9).

In fiscal year 2011, STAs performed VE analyses on 378 Federal-aid highway projects and approved and implemented a total of 1,224 VE recommendations, resulting in a construction cost savings of $1 billion. In addition, approved construction VE change proposals (VECPs), submitted by contractors and accepted by STAs, saved $38.3 million.

The STA VE programs, the VE analyses conducted on applicable projects, and VECPs saved an annual average of $1.7 billion from 2002 through 2011. Additional information on STA, local authority, and FHWA VE programs and practices is available at: *http://www.fhwa.dot.gov/ve.*

Summary Discussion of Comments Received in Response to the NPRM

On August 29, 2013, the FHWA published an NPRM at 78 FR 53380 soliciting public comments on its proposal to update the regulations. The following presents an overview of the comments received in response to the NPRM. Seven STAs, three transportation industry organizations, and 26 individuals submitted comments.

The majority of comments focused on three themes: change in the required VE analyses thresholds, elimination of the VE analysis requirement for design-build projects, and the false perception that justification is required for projects falling below the thresholds.

Comments Directed at Specific Sections of the Proposed Revisions to 23 CFR Part 627

Section 627.1—Purpose and Applicability

There was one comment received for this section which implied that the proposed change in the NPRM would require additional VE analyses and/or affect their timing. This change does neither. The change clarified that the State VE policies and procedures shall establish the State processes for identifying, conducting, and approving VE recommendations.

There also appeared to be some confusion over the definition of ''approved recommendation''. For this section, ''approved recommendation'' means those VE recommendations that were determined by the STA to be acceptable for inclusion in the project plans.

Section 627.3—Definitions

One comment was received requesting that FHWA define the term ''Construction Manager/General Contractor'' (CM/GC) in this section. The FHWA is in the process of preparing an NPRM for the CM/GC process. It is more appropriate that the CM/GC process be defined through that rulemaking.

A comment was received asking for clarification of 23 CFR 627.3 (definition of total project costs) and 627.5(a) (timing of VE analyses). It was unclear to the commenter if these two sections, taken together, would permit advanced utility relocations prior to the completion of a VE study. The definition of total project costs (23 CFR 627.3) is intended to define what costs are used in determining whether a project meets the VE analysis requirement threshold (as defined in 23 CFR 627.5(b)). The definition of total project cost is not intended to define the timing of the VE analysis. There is nothing in this section that would limit the timing of utility relocations.

The Tennessee DOT requested that the word ''optimizing'' replace ''improving'' in the definition of VE analysis in section 627.3. The common meaning of the term ''optimizing'' is to improve or develop as far as possible and/or to make the most effective use. The FHWA agrees that the term ''optimizing'' is a better fit for this definition. The definition for VE analysis is modified through this final rule.

Section 627.5—Applicable Projects

The Portland Cement Association agreed with the use of life cycle cost analysis in sections 627.5 and 627.9.

The FHWA received three comments from individuals that the definition of ''applicable project'' should not be limited to the NHS. Their reasoning was that Federal-aid funds, whether used for projects on or off the NHS, should require a VE analysis in order to provide the best use of funds. Congress, through MAP–21, established when VE analyses are required for federally funded projects. The VE requirements of $50 million for highways and $40 million for bridges are limited to the NHS.

The FHWA received 22 comments from individuals disagreeing with the proposed change to increase the thresholds. The commenters stated that projects of all sizes and scopes can benefit measurably from the application of the value methodology. Further, they expressed a perception that the increase in thresholds would result in missed opportunities for value enhancements. The FHWA agrees that projects below the MAP–21 thresholds may benefit from VE analyses. Therefore, the regulation is modified to include language to encourage VE analyses below the thresholds.

The FHWA received comments from two individuals and three STAs agreeing with the proposed change to increase the thresholds. The commenters stated that this change updates the program in accordance with the construction cost index growth. Also, they believe that VE concentration on higher cost projects yields better program results.

There were five comments from individuals that perceived a requirement that STAs must first justify conducting a VE analysis for projects falling below the thresholds of a required project. There is no requirement to justify VE analyses on projects falling below the thresholds. STAs have the flexibility to conduct a VE analysis on any project.

The American Association of State Highway and Transportation Officials' Value Engineering Technical Committee requested that the final rule clearly state that VE analyses are federally reimbursable. Value engineering is an engineering practice and is thus eligible for Federal reimbursement. This is made clear through the definition found under 23 CFR 1.11(a); thus no further modifications in this regulation is needed.

One comment was received opposing the requirement to identify in STA policies and procedures when additional VE analyses should be considered under 627.5(d). The commenter stated that there is no such requirement in MAP–21. Section 106(e)(2)(C) of title 23, United States Code, explicitly authorizes the Secretary to require additional VE analyses as deemed appropriate. Section 627.5(d) does not require an STA to conduct additional VE analyses, rather it encourages that the policies and procedures consider additional VE analyses as the STA determines appropriate. To clarify, this section has been revised to replace ''shall'' with ''should''.

The FHWA received 11 comments from individuals disagreeing with the proposed change to remove the VE analysis requirement for design-build projects. The commenters stated that they have seen significant value enhancements for design-build projects that have undergone VE analysis. There were comments from three STAs and two associations supporting the proposal to exclude the VE analysis requirement for design-build projects. Congress, through MAP–21, established that VE analyses are not required for design-build projects. However, the regulation will encourage STAs to conduct VE analyses on design-build projects.

One comment was received from an individual that stated sections 627.5(e) and 627.5(b)(5) might be interpreted to conflict with each other. The FHWA does not believe these sections are in conflict. Section 627.5(e) states that a VE analysis is not required for projects delivered using the design-build method of construction. Section 627.5(b)(5) states that a VE analysis may be required on any Federal-aid highway program funded project the FHWA deems appropriate. Accordingly, FHWA would not require a design build project excepted from a VE analysis under section 627.5(e) to conduct a VE analysis under section 627.5(b)(5).

Section 627.9—Conducting a VE Analysis

One comment was received from an individual regarding the timing of VE analyses. The commenter appeared to imply that the language in the regulation did not allow for early VE analysis during the planning or environmental phases of a project. Section 627.9(a) provides the greatest flexibility for an STA to conduct a VE analysis. The section defines FHWA's intent that the VE analysis is to occur ''as early as practicable in the planning or development of a project.'' Therefore the VE analysis may be completed anytime during the planning, environmental, or design phases of a project as long as there is enough project information to conduct an effective VE analysis. The decision on the timing of VE analyses is left to the STA's discretion as long as the VE analysis is conducted prior to the completion of the plans, specifications, and estimates package approval.

The American Road and Transportation Builders Association (ARTBA) requested that FHWA develop guidance on the opportune time to conduct a VE analysis. The FHWA has developed an order that provides more in-depth guidance to STAs on the timing of the VE analysis. The VE Order can be found at *http://www.fhwa.dot.gov/legsregs/directives/orders/13111b.cfm.* The optimum timing of a VE analysis is dependent on the type or scope of the transportation project. Because of this, FHWA has provided the greatest level of flexibility for the STAs to administer their VE programs.

ARTBA and the Maine DOT commented that the CM/GC process should also be covered under the exemption for design-build projects. Two commenters stated CM/GC is a different contracting method than design-build and therefore a VE analysis should be required. The CM/GC is a different type of construction delivery method than design-build. In a CM/GC project, the STA is responsible for the development of the design package and the CM/GC is responsible for providing pre-construction coordination and construction of the transportation facility. Design-build, however, authorizes the design-build firm to design and construct the project. Regardless, Congress provided an exemption for design-build but did not do so for CM/GC. To maximize contractor input, VE analysis for a CM/GC project allows the CM to be a part of the VE analysis. The FHWA agrees that the CM/GC contracting method provides a greater opportunity for contractor input during the design phase of a project. Since CM/GC is fairly new to the transportation industry and STAs are still learning the nuances of this delivery method, the requirement for a VE analysis provides the greatest opportunity for the designer, contractor, and owner to work together to identify value improvement opportunities for the project. Realizing the differences in the CM/GC contracting method, FHWA included VE analysis guidance for CM/GC delivered projects in the VE Order.

Clarifications

Other non-substantive edits were made to clarify the regulatory text. Such edits were made in sections 627.5(b)(4) (''construction'' was added before ''letting''); 627.5(c) (the last clause was revised to state ''or programming multiple design or construction projects''); and 627.9(b) (added language to clarify ''the project's scope or schedule'').

Although no comments were received regarding the definition of the term ''project,'' we have clarified the definition in this final rule to align with the definition of the term ''project'' as found under 23 U.S.C. 101(a)(18). Additionally, the second sentence of the definition of a ''project'' was modified to better define the limits of a ''project.'' These clarifications do not change the scope of projects required to be accompanied by a VE analysis.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

The FHWA has determined that this rule is not an economically significant rulemaking action within the meaning of Executive Order 12866 and DOT regulatory policies and procedures. Additionally, this action complies with the principles of Executive Order 13563 by fostering the use of innovative technologies and methods while eliminating unnecessary and costly design elements. This rule establishes revised requirements for conducting VE analyses and it is anticipated that the economic impact of this rulemaking will be minimal. In addition, these changes will not interfere with any action taken or planned by another agency and will not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. The FHWA has determined that this action does not have a significant economic impact on a substantial number of small entities. The regulation addresses VE studies performed by STAs on certain projects using Federal-aid highway funds. As such, it affects only States, and States are not included in the definition of small entity set forth in 5 U.S.C. 601. Therefore, the RFA does not apply, and the FHWA certifies that this action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This final rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Furthermore, in compliance with the Unfunded Mandates Reform Act of 1995, FHWA evaluated this rule to assess the effects on State, local, and Tribal governments and the private sector. This rule does not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $140.8 million or more in any one year (2 U.S.C. 1532). Additionally, the definition of Federal mandate in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

Executive Order 13132 (Federalism Assessment)

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132. The FHWA determined that this rule will not have a substantial direct

effect or sufficient federalism implications to warrant preparation of a federalism assessment. The FHWA has also determined that this rule does not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations.

The FHWA has determined that this rule contains a requirement for data and information to be collected and maintained in support of compiling the results of the VE analyses that are conducted annually. The FHWA published a Notice of Proposed Rulemaking in the **Federal Register** on August 29, 2013 at 78 FR 53380 which solicited public comments regarding this information collection requirement. The FHWA received no comments.

It will take approximately 200 burden hours to compile the results of the VE analyses annually (400 analyses at 30 minutes each). It will take approximately 156 burden hours to compile the results of all of the VE analyses that are conducted annually by each State DOT, the District of Columbia, and Puerto Rico and to submit these results to FHWA (52 analyses at 3 hours each). The estimated total burden to provide the additional information to attain full compliance with the final rule is 356 hours.

National Environmental Policy Act

The FHWA has analyzed this rule for the purpose of the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The FHWA determined that this rule will not have any effect on the quality of the human and natural environment because it only establishes the requirements that apply to VE analyses whenever an applicable Federal-aid highway project is to be constructed. The promulgation of this regulation has been determined to be a categorical exclusion under 23 CFR 771.117(c)(20).

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175. The FHWA believes that this rule does not have substantial direct effects on one or more Indian Tribes; does not impose substantial direct compliance costs on Indian Tribal governments; and does not preempt Tribal law. This rule establishes the requirements that apply to VE analyses whenever an applicable Federal-aid highway project is to be constructed and does not impose any direct compliance requirements on Indian Tribal governments, nor does it have any economic or other impacts on the viability of Indian Tribes. Therefore, a Tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

The FHWA has analyzed this rule under Executive Order 13211. The FHWA determined that this rule does not constitute a significant energy action under that order since it will not have a significant adverse effect on the supply, distribution, or use of energy. Therefore, the FHWA certifies that a Statement of Energy Effects is not required.

Executive Order 12898 (Environmental Justice)

Executive Order 12898 requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. The FHWA has determined that this rule does not raise any environmental justice issues.

Executive Order 12630 (Taking of Private Property)

The FHWA has analyzed this rule under Executive Order 12630. The FHWA determined that this rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630.

Executive Order 12988 (Civil Justice Reform)

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

Executive Order 13045 (Protection of Children)

The FHWA has analyzed this rule under Executive Order 13045. The FHWA certifies that this rule does not cause an environmental risk to health or safety that may disproportionately affect children.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 627

Grant programs–transportation, Highways and roads.

Issued on: August 27, 2014.

Gregory G. Nadeau,

Acting Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA revises 23 CFR part 627 to read as follows:

PART 627—VALUE ENGINEERING

Sec.

627.1 Purpose and applicability.
627.3 Definitions.
627.5 Applicable projects.
627.7 VE programs.
627.9 Conducting a VE analysis.

Authority: 23 U.S.C. 106(e), 106(g), 106(h), 112(a) and (b), 302, 315; and 49 CFR part 18.

§ 627.1 Purpose and applicability.

(a) The purpose of this part is to prescribe the programs, policies and procedures for the integration of value engineering (VE) into the planning and development of all applicable Federal-aid highway projects.

(b) Each State transportation agency (STA) shall establish and sustain a VE program. This program shall establish the policies and procedures under which VE analyses are identified, conducted and approved VE recommendations implemented on applicable projects (as defined in § 627.5 of this part). These policies and procedures should also identify when a VE analysis is encouraged on all other projects where there is a high potential to realize the benefits of a VE analysis.

(c) The STAs shall establish the policies, procedures, functions, and capacity to monitor, assess, and report on the performance of the VE program, along with the VE analyses that are conducted and Value Engineering

Change Proposals (VECP) that are accepted. The STAs shall ensure that its sub-recipients conduct VE analyses in compliance with this part.

§ 627.3 Definitions.

The following terms used in this part are defined as follows:

(a) *Bridge project.* A bridge project shall include any project where the primary purpose is to construct, reconstruct, rehabilitate, resurface, or restore a bridge.

(b) *Final design.* Any design activities following preliminary design and expressly includes the preparation of final construction plans and detailed specifications for the performance of construction work.

(c) *Project.* The term ''project'' means any undertaking eligible for assistance under title 23 of the United States Code. The limits of a project are defined as the logical termini in the environmental document and may consist of several contracts, or phases of a project or contract, which may be implemented over several years.

(d) *Total project costs.* The estimated costs of all work to be conducted on a project including the environment, design, right-of-way, utilities and construction phases.

(e) *Value Engineering (VE) analysis.* The systematic process of reviewing and assessing a project by a multidisciplinary team not directly involved in the planning and development phases of a specific project that follows the VE Job Plan and is conducted to provide recommendations for:

(1) Providing the needed functions, considering community and environmental commitments, safety, reliability, efficiency, and overall life-cycle cost (as defined in 23 U.S.C. 106(f)(2));

(2) Optimizing the value and quality of the project; and

(3) Reducing the time to develop and deliver the project.

(f) *Value Engineering (VE) Job Plan.* A systematic and structured action plan for conducting and documenting the results of the VE analysis. While each VE analysis shall address each phase in the VE Job Plan, the level of analysis conducted and effort expended for each phase may be scaled to meet the needs of each individual project. The VE Job Plan shall include and document the following seven phases:

(1) Information Phase: Gather project information including project commitments and constraints.

(2) Function Analysis Phase: Analyze the project to understand the required functions.

(3) Creative Phase: Generate ideas on ways to accomplish the required functions which improve the project's performance, enhance its quality, and lower project costs.

(4) Evaluation Phase: Evaluate and select feasible ideas for development.

(5) Development Phase: Develop the selected alternatives into fully supported recommendations.

(6) Presentation Phase: Present the VE recommendation to the project stakeholders.

(7) Resolution Phase: Evaluate, resolve, document and implement all approved recommendations.

(g) *Value Engineering Change Proposal (VECP).* A construction contract change proposal submitted by the construction contractor based on a VECP provision in the contract. These proposals may improve the project's performance, value and/or quality, lower construction costs, or shorten the delivery time, while considering their impacts on the project's overall life-cycle cost and other applicable factors.

§ 627.5 Applicable projects.

(a) A VE analysis shall be conducted prior to the completion of final design on each applicable project that utilizes Federal-aid highway funding, and all approved recommendations shall be included in the project's plans, specifications and estimates prior to authorizing the project for construction (as specified in 23 CFR 630.205).

(b) Applicable projects requiring a VE analysis shall include the following:

(1) Each project located on the National Highway System (NHS) (as specified in 23 U.S.C. 103) with an estimated total project cost of $50 million or more that utilizes Federal-aid highway funding;

(2) Each bridge project located on the NHS with an estimated total project cost of $40 million or more that utilizes Federal-aid highway funding;

(3) Any major project (as defined in 23 U.S.C. 106(h)), located on or off of the NHS, that utilizes Federal-aid highway funding in any contract or phase comprising the major project;

(4) Any project where a VE analysis has not been conducted and a change is made to the project's scope or design between the final design and the construction letting which results in an increase in the project's total cost exceeding the thresholds identified in paragraphs (b)(1), (2) or (3) of this section; and

(5) Any other project FHWA determines to be appropriate that utilizes Federal-aid highway program funding.

(c) An additional VE analysis is not required if, after conducting a VE analysis required under this part, the project is subsequently split into smaller projects in the design phase or the project is programmed to be completed by the letting of multiple construction projects. However, the STA may not avoid the requirement to conduct a VE analysis on an applicable project by splitting the project into smaller projects, or programming multiple design or construction projects.

(d) The STA's VE Program's policies and procedures should identify when VE analyses are to be considered or conducted for projects falling below the required thresholds identified in paragraph (b) of this section in the planning and development of transportation projects where there is a high potential for the project to benefit from a VE analysis. While not required, FHWA encourages STAs to consider the following projects that may benefit from a VE analysis:

(1) Complex projects on or off the NHS that have a total project cost of $25 million or more;

(2) Complex Bridge Projects on or off the NHS with an estimated total project cost of $20 million or more;

(3) Design-build projects on or off the NHS with an estimated cost of $25 million or more; and

(4) Any other complex, difficult or high cost project as determined by the STA.

(e) A VE analysis is not required for projects delivered using the design-build method of construction. While not required, FHWA encourages STAs and local public authorities to conduct a VE analysis on design-build projects that meet the requirements identified in paragraph (b) of this section.

(f) A VE analysis is required on projects delivered using the Construction Manager/General Contractor (CM/GC) method of contracting, if the project meets the requirements identified in paragraph (b) of this section.

§ 627.7 VE programs.

(a) The STA shall establish and sustain a VE program under which VE analyses are identified, conducted and approved VE recommendations implemented on all applicable projects (as defined in § 627.5). The STA's VE program shall:

(1) Establish and document VE program policies and procedures that ensure the required VE analysis is conducted on all applicable projects, and encourage conducting VE analyses on other projects that have the potential to benefit from this analysis;

(2) Ensure the VE analysis is conducted and all approved

recommendations are implemented and documented in a final VE report prior to the project being authorized to proceed to a construction letting;

(3) Monitor and assess the VE Program, and disseminate an annual report to the FHWA consisting of a summary of all approved recommendations implemented on applicable projects requiring a VE analysis, the accepted VECPs, and VE program functions and activities;

(4) Establish and document policies, procedures, and contract provisions that identify when VECP's may be used; identify the analysis, documentation, basis, and process for evaluating and accepting a VECP; and determine how the net savings of each VECP may be shared between the agency and contractor;

(5) Establish and document policies, procedures, and controls to ensure a VE analysis is conducted and all approved recommendations are implemented for all applicable projects administered by local public agencies; and ensure the results of these analyses are included in the VE program monitoring and reporting; and

(6) Provide for the review of any project where a delay occurs between when the final plans are completed and the project advances to a letting for construction to determine if a change has occurred to the project's scope or design where a VE analysis would be required to be conducted (as specified in § 625.5(b)).

(b) STAs shall ensure the required VE analysis has been performed on each applicable project including those administered by subrecipients, and shall ensure approved recommendations are implemented into the project's plans, specifications, and estimates prior to the project being authorized for construction (as specified in 23 CFR 630.205).

(c) STAs shall designate a VE Program Coordinator to promote and advance VE program activities and functions. The VE Coordinator's responsibilities should include establishing and maintaining the STA's VE policies and procedures; facilitating VE training; ensuring VE analyses are conducted on applicable projects; monitoring, assessing, and reporting on the VE analyses conducted and VE program; participating in periodic VE program and project reviews; submitting the required annual VE report to the FHWA; and supporting the other elements of the VE program.

§ 627.9 Conducting a VE analysis.

(a) A VE analysis should be conducted as early as practicable in the planning or development of a project, preferably before the completion of the project's preliminary design. At a minimum, the VE analysis shall be conducted prior to completing the project's final design.

(b) The VE analysis should be closely coordinated with other project development activities to minimize the impact approved recommendations might have on previous agency, community, or environmental commitments; the project's scope or schedule; and the use of innovative technologies, materials, methods, plans or construction provisions.

(c) When the STA or local public agency chooses to conduct a VE analysis for a project utilizing the design-build project delivery method, the VE analysis should be performed prior to the release of the final Request for Proposals or other applicable solicitation documents.

(d) For projects delivered using the CM/GC contracting method, a VE analysis is not required prior to the preparation and release of the RFP for the CM/GC contract. The VE analysis is required to be completed and approved recommendations incorporated into the project plans prior to requesting a construction price proposal from the CM/GC contractor.

(e) STAs shall ensure the VE analysis meets the following requirements:

(1) Uses a multidisciplinary team not directly involved in the planning or design of the project, with at least one individual who has training and experience with leading VE analyses;

(2) Develops and implements the VE Job Plan;

(3) Produces a formal written report outlining, at a minimum:

(i) Project information;

(ii) Identification of the VE analysis team;

(iii) Background and supporting documentation, such as information obtained from other analyses conducted on the project (e.g., environmental, safety, traffic operations, constructability);

(iv) Documentation of the stages of the VE Job Plan which would include documentation of the life-cycle costs that were analyzed;

(v) Summarization of the analysis conducted;

(vi) Documentation of the proposed recommendations and approvals received at the time the report is finalized; and

(vii) The formal written report shall be retained for at least 3 years after the completion of the project.

(f) For bridge projects, in addition to the requirements in subsection (e), the VE analyses shall:

(1) Include bridge substructure and superstructure requirements that consider alternative construction materials; and

(2) Be conducted based on:

(i) An engineering and economic assessment, taking into consideration acceptable designs for bridges; and

(ii) An analysis of life-cycle costs and duration of project construction.

(g) STAs and local public agencies may employ qualified consultants (as defined in 23 CFR 172.3) to conduct a VE analysis. The consultant shall possess training and experience with leading VE analyses. A consulting firm or individual shall not be used to conduct or support a VE analysis if they have a conflict of interest (as specified in 23 CFR 1.33).

(h) STAs, and local public agencies are encouraged to use a VECP clause (or other such clauses under a different name) in an applicable project's contract, allowing the construction contractor to propose changes to the project's plans, specifications, or other contract documents. Whenever such clauses are used, the STA and local authority will consider changes that could improve the project's performance, value and quality, shorten the delivery time, or lower construction costs, while considering impacts on the project's overall life-cycle cost and other applicable factors. The basis for a STA or local authority to consider a VECP is the analysis and documentation supporting the proposed benefits that would result from implementing the proposed change in the project's contract or project plans.

(i) Proposals to accelerate construction after the award of the contract will not be considered a VECP and will not be eligible for Federal-aid highway program funding participation. Where it is necessary to accelerate construction, STAs and local public agencies are encouraged to use the appropriate incentive or disincentive clauses so that all proposers will take this into account when preparing their bids or price proposals.

[FR Doc. 2014–21020 Filed 9–4–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3, 14, and 20

RIN 2900–AN91

Substitution in Case of Death of Claimant

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule the Department of Veterans Affairs' (VA) proposal to amend its regulations on adjudication of VA benefit claims, representation of claimants, and the Board of Veterans' Appeals rules of practice. Specifically, these amendments implement section 212 of the Veterans' Benefits Improvement Act of 2008, which allows an eligible survivor to substitute for a deceased claimant in the decedent's pending claim or appeal of a decision on a claim. This final rule addresses eligibility for substitution and the procedures applicable to requests to substitute in a claim that is pending before a VA agency of original jurisdiction or an appeal that is pending before the Board of Veterans' Appeals.

DATES: *Effective Date:* This final rule is effective October 6, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Damali Mason, Pension and Fiduciary Service (21PF), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–8852. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 212 of the Veterans' Benefits Improvement Act of 2008, Public Law 110–389 (the Act), added section 5121A to title 38, United States Code, which authorizes certain persons to substitute for a deceased claimant in a claim or appeal that is pending before VA. If a claimant dies while a claim for VA benefits or an appeal of a decision on a VA benefits claim is pending, section 5121A permits a person who would be eligible for accrued benefits under 38 U.S.C. 5121(a) to complete the decedent's claim or appeal. In a proposed rule published in the **Federal Register** on February 15, 2011, VA proposed to implement section 5121A by adding a new 38 CFR 3.1010 regarding adjudication of substitution matters. 76 FR 8666, 8672, Feb. 15, 2011. We also proposed to amend 38 CFR part 14 to address the representation of substitutes and 38 CFR part 20 to address substitution in appeals pending before the Board of Veterans' Appeals (Board). *Id.* at 8673.

We provided a 60-day comment period for the proposed rule and invited interested persons to submit comments on or before April 18, 2011. VA received no comments during the comment period. However, following the close of the comment period, an organization requested additional time to submit comments. On July 5, 2011, VA published notice that it would extend the comment period for the proposed rule for an additional 30 days to August 4, 2011. *See* 76 FR 39062, July 5, 2011. During the extended comment period, VA received comments from one individual and four organizations.

Several commenters characterized proposed § 3.1010(c)(1), which would have required a request to substitute to include, at a minimum, the word ''substitute'' or ''substitution,'' as overly formalistic. We agree and have changed the provision. During our initial implementation of section 5121A, which was based upon the statutory provisions, we encountered situations where an eligible survivor who did not know the applicable substitution principles requested that VA continue the adjudication of a pending claim. In each situation, the survivor's request was sufficient to identify his or her intent to continue the prosecution of the pending claim or appeal. Accordingly, we modified § 3.1010(c)(1) to instead require that a substitution request ''indicate intent to substitute'' for a deceased claimant in a pending claim or appeal. This change should address the commenters' concerns and allow VA to identify substitution requests that require a decision.

Several commenters complained that requiring a person who seeks to substitute in a claim or appeal to provide certain information, such as the decedent's VA claim number, is overly burdensome and contrary to VA's claimant-friendly system. We agree that requiring a survivor to provide the decedent's VA claim or appeal number might be burdensome to the extent that the survivor does not have the information and must request it from VA before submitting a substitution request.

VA received over one million claims in each of the last five years. For this reason, VA requires basic identifying information to match a substitution request with a pending claim or appeal. We recognize that a deceased claimant's Social Security number may be more accessible to survivors than the decedent's VA claim or appeal number. Accordingly, we revised § 3.1010(c)(1) to clarify that a person seeking substitution may provide the decedent's Social Security number in lieu of a claim or appeal number. We also revised § 3.1010(c)(1) to replace the proposed phrase ''the applicable claim number or appeal number'' with the more specific phrase ''the deceased claimant's claim number, Social Security number, or appeal number.'' This change clarifies that it is the deceased claimant's claim, Social Security, or appeal number that is required. These changes make the regulation claimant-friendly while balancing VA's need to identify the pending claim or appeal in which the survivor seeks to substitute with the substitute's need for simple procedures.

Several commenters recommended that, in light of the time elapsed between the effective date of section 5121A, October 10, 2008, and the promulgation of these regulations, VA consider timely any request to substitute for a claimant who died between October 10, 2008, and the effective date of this regulation if filed within one year after the effective date of the regulation. The commenters suggest this application of the rule is necessary to account for delays in completing the rulemaking proceeding. However, section 5121A(a)(1) itself authorizes substitution only if a substitute files a substitution request ''not later than one year after the date of the death of such claimant,'' and VA has been processing substitution requests in accordance with section 5121A since the effective date of the statute. Accordingly, we will not make any changes based upon these comments.

Proposed § 3.1010(g)(1) limited substitution to ''pending'' claims and appeals. Under proposed paragraph (g)(1)(i), a claim would not be pending for substitution purposes if VA decided the claim before the claimant died and the claimant died before filing a notice of disagreement (NOD). Several commenters suggested that proposed paragraph (g)(1)(i) would erroneously exclude claims that substitutes might wish to appeal to the Board. We interpret the comments as suggesting that VA authorize substitutes to appeal an agency of original jurisdiction decision on a claim if the claimant dies before he or she has an opportunity to file an NOD and the one-year NOD filing period has not expired. The commenters further asserted that limiting a substitute's right to appeal is inconsistent with the procedures for filing an NOD and for filing an appeal to the Court of Appeals for Veterans Claims (Veterans Court). We agree that Congress did not intend to restrict a substitute's ability to appeal a decision on the decedent's claim.

Congress did not explicitly address NODs with respect to substitution in section 5121A. Nevertheless, it is clear that Congress intended that section 5121A would liberalize survivors' ability to continue claims for the purpose of processing them to completion. In the Joint Explanatory Statement on the predecessor bill, S. 3023, as amended, 154 Cong. Rec. S10445, S10447 (2008), the Conference Committee explained, ''with a claim or appeal pending adjudication at the time

of death, the surviving spouse or other beneficiary is unable to take up the claim where it is in the process and must refile the claim separately as if submitting a new claim.'' To remedy this, Congress allowed survivors ''to substitute for the deceased claimant rather than being forced to re-file and restart the claim or appeal.'' *Id.*

After considering the comments and the general congressional intent that proceedings before VA ''should be as informal and nonadversarial as possible,'' *Walters* v. *Nat'l. Ass'n. of Radiation Survivors,* 473 U.S. 305, 323 (1985), we revised § 3.1010(g)(1) to allow a substitute to appeal a decision on a claim during the one-year substitution period prescribed in section 5121A(a)(1) if the decedent had an actionable right of appeal on the date of death.

We revised § 3.1010(g)(1)(i) to provide that, for purposes of substitution, a claim is also considered pending if, at the time of the claimant's death, the agency of original jurisdiction has decided the claim but the claimant has not filed an NOD and the 1-year period for filing an NOD has not expired. This revision will permit a substitute to file an NOD in the same manner as a live claimant. It is also consistent with the Veterans Court's decision in *Taylor* v. *Nicholson,* 21 Vet. App. 126 (2007). In *Taylor,* the Veterans Court reversed a Board decision denying a survivor's claim for accrued benefits that was based on a finding that the deceased veteran's compensation claim was not pending on the date of his death. 21 Vet. App. at 128–29. The Veterans Court held that the veteran's compensation claim was pending on the date of his death because nearly 11 months remained in the period in which he could have filed an NOD. *Id.* For purposes of accrued benefits, the court determined that a claim remains pending until the period for filing a notice of disagreement has expired. *Id.* at 129. Although the Veterans Court decided *Taylor* before Congress enacted section 5121A, given the linkage between sections 5121 and 5121A, we have determined that it is reasonable to consistently prescribe when a claim is ''pending'' for purposes of both substitution and accrued benefits.

Additionally, in *Breedlove* v. *Shinseki,* 24 Vet. App. 7, 20 (2010), the Veterans Court held that, if requested, the Veterans Court will consider substitution requests in its pending cases. Therefore, in § 3.1010(g)(1)(ii), we have revised the last sentence to clarify that substitution before VA is not available once the Board issues a final decision, but substitution for purposes of filing an appeal with the Veterans Court is not precluded. Our proposed statement could have been interpreted as prohibiting substitution in appeals to or pending before the Veterans Court, which would conflict with the Veterans Court's holding in *Breedlove.* 24 Vet. App. at 20. Furthermore, we do not have jurisdiction to regulate matters pending before the Veterans Court.

One commenter suggested treating substitution requests in the same manner as motions for reconsideration of a Board decision, which toll the time available to appeal a Board decision to the Veterans Court if filed during the appeal period. However, the commenter's suggestion is beyond the scope of this rulemaking because VA cannot prescribe a method for tolling the appeal period in 38 U.S.C. 7266(a) in its regulations. *See Breedlove,* 24 Vet. App. at 13 (noting that VA's prescription as to how the Veterans Court is to allow and implement substitution would violate the separation of powers doctrine). The Veterans Court's case law, not VA regulations, established the rule that a timely motion for reconsideration tolls the appeal period. Therefore, VA cannot implement the commenter's suggestion.

Proposed § 3.1010(e) regarding decisions on substitution requests provided that the ''agency of original jurisdiction will decide in the first instance all requests to substitute, including any request to substitute in an appeal pending before the Board of Veterans' Appeals.'' Several commenters suggested that the Board should decide a substitution request if an appeal is pending before the Board at the time of a claimant's death. This suggestion apparently arose out of concern that requiring the agency of original jurisdiction where the appeal originated to decide a request to substitute would cause unnecessary delay and confuse eligible survivors, who may not know at which agency of original jurisdiction the appeal originated. One commenter recommended that a substitution request should be accepted at the agency of original jurisdiction, the Board, or the court having jurisdiction. We do not implement the commenters' suggestions or make any changes based upon the comments.

As explained in the proposed rule, allowing the Board to decide a substitution request would deprive the survivor of the right to the ''one review on appeal'' mandated by 38 U.S.C. 7104(a). 76 FR at 8667–8668, Feb. 15, 2011. Under the rule as proposed, if the agency of original jurisdiction denies a substitution request, the requestor may appeal that denial to the Board. Although the commenters assert that a substitution request is not a ''claim,'' the right to appeal applies to ''[a]ll questions in a matter which under [38 U.S.C.] 511(a) . . . is subject to decision by the Secretary.'' 38 U.S.C. 7104(a). Accordingly, absent authority from Congress, a request to substitute in a decedent's claim or appeal must be decided in the first instance by the VA agency of original jurisdiction. Consistent with section 7104(a), if the person requesting to substitute for the deceased claimant disagrees with the agency of original jurisdiction's decision on a substitution request, he or she may appeal the decision to the Board.

When the Board receives notice that an appellant has died, it will dismiss the appeal without prejudice and return the case to the agency of original jurisdiction. Thus, regardless of whether VA is working with an electronic or paper claims file, by the time a survivor has submitted a substitution request, the claims file will generally be at the agency of original jurisdiction. By requiring the substitution request to be filed with the agency of original jurisdiction, VA reduces the number of mailrooms and employees required to get the request to the organization that must act upon it. If a survivor inadvertently submits a substitution request to the Board, the Board will treat it as it does other misdirected mail and forward it to the agency of original jurisdiction for action. For purposes of determining whether a substitution request was timely filed in such cases, VA will treat the date that the Board received the request as the date the agency of original jurisdiction received it, and, as a result, no disadvantage accrues to the potential substitute.

We do not make any changes based upon the commenters' suggestion that VA permit filing of substitution requests at the Veterans Court because section 5121A does not govern substitution in appeals that are pending before the court. *Breedlove,* 24 Vet. App. at 14.

Several commenters expressed concern that having the Board dismiss an appeal without prejudice while a substitution request is pending before an agency of original jurisdiction would cause significant delay. We disagree. Under 38 CFR 20.900(a)(2) and 20.1302(a), a case returned to the Board following an agency of original jurisdiction decision allowing substitution or pursuant to an appeal of a denial of a substitution request assumes the same place on the Board's docket as the appeal that was pending at the time of the deceased claimant's death. The regulation will protect

eligible survivors from significant delay by authorizing the substitute claimant to continue the decedent's appeal from where the decedent left it. Therefore, VA makes no change based on these comments.

In § 3.1010(e)(3)(ii) regarding joint class representatives, we proposed that ''only one person of the joint class may be a substitute at any one time.'' One commenter suggested that limiting the number of substitutes and giving all substitution rights to the first eligible person to file a substitution request may be unconstitutional if there are multiple individuals with equal substitution eligibility. Specifically, the commenter asserted that the substitute may not represent the interests of all eligible survivors and that, if the substitute dies later than one year after the deceased claimant died but before the substitute completes the claims process, the remaining eligible survivors would have no remedy. The commenter recommended that VA allow all of the decedent's eligible survivors to apply and create a class of substitutes from which the class would select a representative. As explained below, we will not implement the commenter's recommendation that we allow a class of substitutes.

In a House Committee on Veterans' Affairs report on a bill that preceded the enactment of Public Law 110–389, the Committee was clear that ''VA should interpret this section so that only one qualified dependent at a time is deemed eligible to apply as the substitute claimant.'' H.R. Rep. No. 110–789, at 17 (2008) (commenting on H.R. 5892, 110th Cong.). Later, the Joint Explanatory Statement on S. 3023, as amended, reiterated that section 111 of H.R. 5892 ''further stipulates that only one person may be treated as the [substitute] claimant under this section.'' Joint Explanatory Statement on Amendment to Senate Bill, S. 3023, as Amended, 154 Cong. Rec. S10445, S10447 (2008). Furthermore, the Compromise Agreement stipulated that ''the individual who would be eligible to receive accrued benefits . . . must file a request to be substituted as the claimant.'' *Id.*

Nonetheless, we agree with the commenter that, if the substitute dies later than one year after the deceased claimant died but before the substitute completes the claims process, the remaining eligible survivors would have no remedy. We note that Congress did not address the issue raised by the commenter. Nevertheless, we reemphasize it is clear that Congress intended that section 5121A would liberalize survivors' ability to continue claims for the purpose of processing them to completion. Although Congress did not explicitly address successive substitution in section 5121A, we recognize that Congress implicitly contemplated allowing successive substitution and that the ''1 year after the date of the death of the claimant'' limitation to file a request for substitution was intended to apply to initial substitution and not to successive substitution. Accordingly, and to address the commenter's assertion, we revised § 3.1010(g)(5) to prescribe that upon the death of an eligible substitute another member of the same joint class or a member of the next preferred subordinate category listed in 38 CFR 3.1000(a)(1) through (5) may substitute for the deceased substitute but only if the person requesting the successive substitution files a request to substitute no later than one year after the date of the substitute's death (not the date of the claimant's death). Additionally, we interpret the 1-year limit that Congress put on filing a request to substitute for an original claimant to mean that Congress did not want the ability to substitute to continue indefinitely and that 1 year is a reasonable time period to allow an eligible survivor to apply for substitution. As a result, we adopted the 1-year limit that Congress assigned for initial substitution in section 5121A and assigned a 1-year limit to successive substitution in § 3.1010(g)(5). Therefore, we encourage the person requesting to substitute for a deceased substitute to expeditiously apply for substitution within the requisite 1-year period following the substitute's death (not the date of the claimant's death), in order to preserve their ability to become a successive substitute.

Several commenters suggested that proposed § 3.1010(d), regarding evidence of eligibility for substitution, should incorporate language stating that VA will only require such evidence when it is not already in VA records and that VA will inform the person seeking substitution if it requires additional evidence. The commenters believe that requiring the substitute to resubmit information that is already in VA records is a duplication of effort and a waste of time. VA disagrees with these comments.

A person requesting substitution may not know what evidence is in the deceased claimant's file. Claim files can be quite voluminous and may not provide family information that is current or accurate at the time of the deceased claimant's death. It is possible that the deceased claimant divorced or remarried or had a child during the period between the initiation of a claim or appeal and his or her death. Another possibility is that the deceased claimant's child has changed his or her name for personal or marital reasons or had to change his or her Social Security number in response to an identity theft. Finally, if the person requesting substitution was not the deceased claimant's dependent for purposes of VA benefits prior to the claimant's death, VA probably would not have the information it needs in the decedent's claim file.

Requiring a person requesting substitution to provide evidence of eligibility to substitute is more likely to provide accurate, up-to-date evidence of the requestor's status, which should allow VA to promptly process the request. Moreover, the statute authorizing substitution requires ''[a]ny person seeking to be substituted for [a deceased] claimant [to] present evidence of the right to claim such status.'' 38 U.S.C. 5121A(a)(2). If an eligible survivor's substitution request requires no further proof, VA may grant substitution without further inquiry. To clarify the meaning of evidence of eligibility, VA has modified § 3.1010(d) by adding a reference to § 3.1000(a)(1) through (5). VA makes no other change based on these comments.

One commenter suggested that VA address the potential situation of an appellant whose appeal is pending before the Board dying and the Board issuing a decision after the appellant's death but before the Board learns that the appellant has died. The commenter recommended that, if the Board learns the appellant died before the Board decided the appeal and there is a substitution-eligible survivor, then the Board should reissue its decision as of the date of the deceased claimant's death to make Board substitution procedures consistent with the procedures of the Veterans Court. We will not implement the commenter's recommendation.

The recommendation would not work under this final rule because the Board's retroactive reissuance of a decision that is effective on the date of the claimant's death would mean that there is no appeal pending before the Board, such that substitution would not be available. It would be more advantageous for the decedent's survivor to have the Board vacate its post-death decision, which would mean that the appeal was pending before the Board when the claimant died and an eligible survivor could request substitution. Furthermore, upon substitution, the substitute claimant may submit additional evidence in support of the pending appeal, which could mean the

difference between the Board denying the appeal and the Board allowing of the appeal. The Board's retroactive reissuance of its decision would eliminate the substitute's opportunity to submit additional evidence. For these reasons, we make no changes based on the comment.

One commenter expressed concern that, whenever an eligible survivor claims accrued benefits, survivors pension, or dependency and indemnity compensation, and VA concludes that the eligible survivor's claim is also a request to substitute, VA would provide a substitution waiver form to the survivor or ask the survivor whether he or she wants to waive the right to substitute. VA has no intention of encouraging waiver of substitution rights. Rather § 3.1010(c)(2) merely permits an eligible survivor to exercise a preference not to be considered a substitute while VA considers the survivor's claim for accrued benefits, survivors pension, or dependency and indemnity compensation. In order to waive substitution rights that VA already granted, a substitute would have to provide a written waiver to VA. Thus, like renouncement of benefits under § 3.106(a), waiver of the right to substitute requires a written waiver signed by the eligible survivor. We added language consistent with § 3.106(a) in § 3.1010(c)(2) to clarify that, for purposes of substitution, a waiver of substitution must be in writing and signed by the eligible survivor.

Proposed § 3.1010(g)(5) could have been interpreted as saying that the Board has jurisdiction over initial claims. Therefore, we have revised § 3.1010(g)(5) to clarify the potential procedural postures of claims and appeals.

One commenter noted that the proposed amendments to 38 CFR 20.900(a) do not specifically address appeals that were advanced on the Board's docket under § 20.900(c). Specifically, the commenter asked whether the substitute would be entitled to the deceased appellant's advanced docket placement. This commenter then proposed that a substitute should be entitled to the deceased appellant's advanced placement if the advancement was due to administrative delay or error but not if the advancement was for reasons of age or illness. VA modified § 20.900(a)(2) to address this comment.

As explained in proposed § 20.900(a)(2), an appellant who is an eligible substitute or is appealing the denial of a substitution request will receive the benefit of the docket number held by the decedent upon his or her death. Advancement on the Board's docket is a separate motion procedure providing for earlier consideration and determination of a case where sufficient cause is shown. 38 U.S.C. 7107(a)(2); 38 CFR 20.900(c) (stating that an advancement on the docket motion will be granted in certain circumstances, such as if the appellant is seriously ill, under severe financial hardship, or for other sufficient cause shown, such as advanced age or administrative error resulting in significant delay in docketing the case). A motion to advance a case on the Board's docket may be made by a party to the case, his or her representative, or by the Board's Chairman or Vice Chairman. 38 CFR 20.900(c). Advancing a case on the docket does not provide an appellant with a new docket number; rather it allows that case to be considered ahead of other cases that have been assigned an earlier docket number.

Since the substitute essentially steps into the shoes of a deceased appellant in order to process a claim to completion, VA is revising proposed § 20.900(a)(2) to provide a substitute with the advantage of any advanced docket placement that the decedent had prior to his or her death. However, absent such advancement, the substitute would need to file a motion to have the case advanced on the docket based on the substitute's own circumstances. For example, if a substitute is age 75 or older, he or she would be able to file a motion for advancement on the docket based on age. We modified § 20.900(a)(2) to clarify that a substitute appellant is entitled to the deceased appellant's advanced docket placement. We also made minor modifications to § 20.900(c)(2) to ensure it is clear that a substitute appellant may file a motion for advancement on the Board's docket and update the name of the office where appellants must file such motions for advancement.

We made nonsubstantive changes to § 20.900(a)(1) to make it more closely track paragraph (a)(2). In § 3.1010(a), we removed the incorrect reference to ''of this part'' and an erroneous period placed in the citation to 38 CFR 3.1000(a)(1). We also added the statutory reference at the end of that section. In § 20.1304(b)(1), we revised the address to reflect the correct Board office and mail code.

Finally, we updated references to ''death pension'' to read ''survivors pension.'' This change is intended to make the references consistent with the law governing pension for survivors, e.g., 38 U.S.C. 1541, Surviving spouses of veterans of a period of war, and to better communicate to stakeholders the purpose of the program.

Based on the rationale set forth in the proposed rule and this document, VA adopts the provisions of the proposed rule as a final rule with the changes discussed above.

Paperwork Reduction Act

Although this document contains provisions constituting collections of information, at 38 CFR 3.1010(b) and (c) and 14.631(g), under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), no new or proposed revised collections of information are associated with this final rule. The information collection requirements for §§ 3.1010(b) and (c) and 14.631(g) are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control numbers 2900–0740 (VA Form 21–0847, Request for Substitution of Claimant Upon Death of Claimant) and 2900–0321 (VA Form 21–22, Appointment of Veterans Service Organization as Claimant's Representative, and VA Form 21–22a, Appointment of Individual as Claimant's Representative). We are adding a parenthetical statement after § 3.1010 so that the control number is displayed for the collection.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq. This final rule will directly affect only individuals and will not directly affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866 and 13563

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

regulatory action,'' which requires review by the Office of Management and Budget (OMB), as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, 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 set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined, and it has been determined that it is not a significant regulatory action under Executive Order 12886. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www1.va.gov/orpm/,* by following the link for ''VA Regulations Published.''

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule 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 (adjusted annually for inflation) in any 1 year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.103, Life Insurance for Veterans; 64.104, Pension for Non-Service-Connected Disability for Veterans; 64.105, Pension to Veterans' Surviving Spouses, and Children; 64.109, Veterans Compensation for Service-Connected Disability; 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death; and 64.115, Veterans Information and Assistance.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit this document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on August 29, 2014, for publication.

List of Subjects

38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Pensions, Veterans.

38 CFR Part 14

Administrative practice and procedure, Claims, Courts, Foreign relations, General Counsel, Government employees, Lawyers, Legal services, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Surety bonds, Trusts and trustees, Veterans.

38 CFR Part 20

Administrative practice and procedure, Claims, Veterans.

Dated: September 2, 2014.

Robert C. McFetridge,

Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

For the reasons set forth in the preamble, VA amends 38 CFR parts 3, 14, and 20 as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for part 3, Subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

■ 2. Add § 3.1010 to read as follows:

§ 3.1010 Substitution under 38 U.S.C. 5121A following death of a claimant.

(a) *Eligibility.* If a claimant dies on or after October 10, 2008, a person eligible for accrued benefits under § 3.1000(a) listed in 38 CFR 3.1000(a)(1) through (5) may, in priority order, request to substitute for the deceased claimant in a claim for periodic monetary benefits (other than insurance and servicemembers' indemnity) under laws administered by the Secretary, or an appeal of a decision with respect to such a claim, that was pending before the agency of original jurisdiction or the Board of Veterans' Appeals when the claimant died. Upon VA's grant of a request to substitute, the substitute may continue the claim or appeal on behalf of the deceased claimant for purposes of processing the claim or appeal to completion. Any benefits ultimately awarded are payable to the substitute and other members of a joint class, if any, in equal shares.

(b) *Time and place for filing a request.* A person may not substitute for a deceased claimant under this section unless the person files a request to substitute with the agency of original jurisdiction no later than one year after the claimant's death.

(c) *Request format.* (1) A request to substitute must be submitted in writing. At a minimum, a request to substitute must indicate intent to substitute; include the deceased claimant's claim number, Social Security number, or appeal number; and include the names of the deceased claimant and the person requesting to substitute.

(2) In lieu of a specific request to substitute, a claim for accrued benefits, survivors pension, or dependency and indemnity compensation by an eligible person listed in § 3.1000(a)(1) through (5) is deemed to include a request to substitute if a claim for periodic monetary benefits (other than insurance and servicemembers' indemnity) under laws administered by the Secretary, or an appeal of a decision with respect to such a claim, was pending before the agency of original jurisdiction or the Board of Veterans' Appeals when the claimant died. A claimant for accrued benefits, survivors pension, or dependency and indemnity compensation may waive the right to substitute in writing over the claimant's signature.

(d) *Evidence of eligibility.* A person filing a request to substitute must provide evidence of eligibility to substitute. Evidence of eligibility to substitute means evidence demonstrating that the person is among those listed in the categories of eligible persons in § 3.1000(a)(1) through (5) and first in priority order. If a person's request to substitute does not include evidence of eligibility when it is originally submitted and the person may be an eligible person, the Secretary will notify the person—

(1) Of the evidence of eligibility required to complete the request to substitute;

(2) That VA will take no further action on the request to substitute unless VA receives the evidence of eligibility; and

(3) That VA must receive the evidence of eligibility no later than 60 days after the date of notification or one year after

the claimant's death, whichever is later, or VA will deny the request to substitute.

(e) *Decisions on substitution requests.* Subject to the provisions of § 20.1302 of this chapter, the agency of original jurisdiction will decide in the first instance all requests to substitute, including any request to substitute in an appeal pending before the Board of Veterans' Appeals.

(1) *Notification.* The agency of original jurisdiction will provide written notification of the granting or denial of a request to substitute to the person who filed the request, together with notice in accordance with § 3.103(b)(1).

(2) *Appeals.* The denial of a request to substitute may be appealed to the Board of Veterans' Appeals pursuant to 38 U.S.C. 7104(a) and 7105.

(3) *Joint class representative.* (i) A *joint class* means a group of two or more persons eligible to substitute under the same priority group under § 3.1000(a)(1) through (a)(5), e.g., two or more surviving children.

(ii) In the case of a joint class of potential substitutes, only one person of the joint class may be a substitute at any one time. The first eligible person in the joint class to file a request to substitute will be the substitute representing the joint class.

(f) *Adjudications involving a substitute.* The following provisions apply with respect to a claim or appeal in which a survivor has been substituted for the deceased claimant:

(1) *Notice under § 3.159.* VA will send notice under § 3.159(b), ''Department of Veterans Affairs assistance in developing claims,'' to the substitute only if the required notice was not sent to the deceased claimant or if the notice sent to the deceased claimant was inadequate.

(2) *Expansion of the claim not permitted.* A substitute may not add an issue to or expand the claim. However, a substitute may raise new theories of entitlement in support of the claim.

(3) *Submission of evidence and other rights.* A substitute has the same rights regarding hearings, representation, appeals, and the submission of evidence as would have applied to the claimant had the claimant not died. However, rights that may have applied to the claimant prior to death but which cannot practically apply to a substitute, such as the right to a medical examination, are not available to the substitute. The substitute must complete any action required by law or regulation within the time period remaining for the claimant to take such action on the date of his or her death. The time remaining to take such action will start to run on the date of the mailing of the decision granting the substitution request.

(4) *Board of Veterans' Appeals procedures.* The rules and procedures governing appeals involving substitutes before the Board of Veterans' Appeals are found in parts 19 and 20 of this chapter.

(g) *Limitations on substitution.* The following limitations apply with respect to substitution:

(1) *A claim or appeal must be pending.* (i) A claim is considered to be pending if the claimant had filed the claim with an agency of original jurisdiction but dies before the agency of original jurisdiction makes a decision on the claim. A claim is also considered to be pending if, at the time of the claimant's death, the agency of original jurisdiction has made a decision on the claim, but the claimant has not filed a notice of disagreement, and the period allowed by law for filing a notice of disagreement has not expired.

(ii) An appeal is considered to be pending if a claimant filed a notice of disagreement in response to a notification from an agency of original jurisdiction of its decision on a claim, but dies before the Board of Veterans' Appeals issues a final decision on the appeal. If the Board issued a final decision on an appeal prior to the claimant's death, the appeal is not pending before VA for purposes of this section, even if the 120-day period for appealing the Board's decision to the Court of Appeals for Veterans Claims has not yet expired.

(2) *Benefits awarded.* Any benefits ultimately awarded are limited to any past-due benefits for the time period between the effective date of the award and what would have been the effective date of discontinuance of the award as a result of the claimant's death.

(3) *Benefits for last sickness and burial only.* When substitution cannot be established under any of the categories listed in § 3.1000(a)(1) through (a)(4), only so much of any benefits ultimately awarded may be paid as may be necessary to reimburse the person who bore the expense of last sickness and burial. No part of any benefits ultimately awarded shall be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any claimant.

(4) *Substitution by subordinate members prohibited.* Failure to timely file a request to substitute, or a waiver of the right to request substitution, by a person of a preferred category of eligible person will not serve to vest the right to request substitution in a person in a lower category or a person who bore the expense of last sickness and burial; neither will such failure or waiver by a person or persons in a joint class serve to increase the amount payable to other persons in the class.

(5) *Death of a substitute.* If a substitute dies while a claim or appeal is pending before an agency of original jurisdiction, or an appeal of a decision on a claim is pending before the Board, another member of the same joint class or a member of the next preferred subordinate category listed in § 3.1000(a)(1) through (5) may substitute for the deceased substitute but only if the person requesting the successive substitution files a request to substitute no later than one year after the date of the substitute's death (not the date of the claimant's death).

(Authority: 38 U.S.C. 5121, 5121A)

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0740)

PART 14—LEGAL SERVICES, GENERAL COUNSEL, AND MISCELLANEOUS CLAIMS

■ 3. The authority citation for part 14 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2671–2680; 38 U.S.C. 501(a), 512, 515, 5502, 5901–5905; 28 CFR part 14, appendix to part 14, unless otherwise noted.

■ 4. Amend § 14.630 by adding paragraph (e) and revising the authority citation at the end of the section to read as follows:

§ 14.630. Authorization for a particular claim.

* * * * *

(e) With respect to the limitation in paragraph (b) of this section, a person who had been authorized under paragraph (a) of this section to represent a claimant who later dies and is replaced by a substitute pursuant to 38 CFR 3.1010 for purposes of processing the claim to completion will be permitted to represent the substitute if the procedures of § 14.631(g) are followed.

(Authority: 38 U.S.C. 501(a), 5121A, 5903)

■ 5. Amend § 14.631 by adding paragraph (g) and revising the authority citation at the end of the section to read as follows:

§ 14.631. Powers of attorney; disclosure of claimant information.

* * * * *

(g) If a request to substitute is granted pursuant to 38 CFR 3.1010, then a new VA Form 21–22, ''Appointment of

Veterans Service Organization as Claimant's Representative,'' or VA Form 21–22a, ''Appointment of Individual as Claimant's Representative,'' under paragraph (a) of this section is required in order to represent the substitute before VA. If the substitute desires representation on a one-time basis pursuant to § 14.630(a), a statement signed by the person providing representation and the substitute that no compensation will be charged or paid for the services is also required.

(Authority: 38 U.S.C. 501(a), 5121A, 5902, 5903, 5904)

* * * * *

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

■ 6. The authority citation for part 20 continues to read as follows:

Authority: 38 U.S.C. 501(a) and as noted in specific sections.

Subpart J—Action by the Board

■ 7. Amend § 20.900 by:
■ a. Revising paragraph (a).
■ b. Revising paragraph (c)(2).
■ c. Revising the authority citation at the end of the section.

The revisions read as follows:

§ 20.900 Rule 900. Order of consideration of appeals.

(a) *Docketing of appeals.* Applications for review on appeal are docketed in the order in which they are received.

(1) A case returned to the Board following action pursuant to a remand assumes its original place on the docket.

(2) A case returned to the Board following the grant of a substitution request or pursuant to an appeal of a denial of a substitution request assumes the same place on the docket held by the deceased appellant at the time of his or her death. Pursuant to paragraph (c) of this section, if the deceased appellant's case was advanced on the docket prior to his or her death, the substitute will receive the benefit of the advanced placement.

* * * * *

(c) * * *

(2) *Requirements for motions.* Motions for advancement on the docket must be in writing and must identify the specific reason(s) why advancement on the docket is sought, the name of the veteran, the name of the appellant if other than the veteran (e.g., a veteran's survivor, a guardian, a substitute appellant, or a fiduciary appointed to receive VA benefits on an individual's behalf), and the applicable Department of Veterans Affairs file number. The motion must be filed with: Director, Office of Management, Planning and Analysis (014), Board of Veterans' Appeals, 810 Vermont Avenue NW., Washington, DC 20420.

* * * * *

(Authority: 38 U.S.C. 5121A, 7107; Pub. L. 103–446, § 302)

Subpart L—Finality

■ 8. Revise § 20.1106 to read as follows:

§ 20.1106 Rule 1106. Claim for death benefits by survivor—prior unfavorable decisions during veteran's lifetime.

Except with respect to benefits under the provisions of 38 U.S.C. 1311(a)(2) and 1318, and certain cases involving individuals whose Department of Veterans Affairs benefits have been forfeited for treason or for subversive activities under the provisions of 38 U.S.C. 6104 and 6105, issues involved in a survivor's claim for death benefits will be decided without regard to any prior disposition of those issues during the veteran's lifetime. Cases in which a person substitutes for a deceased veteran under 38 U.S.C. 5121A are not claims for death benefits and are not subject to this section. Cases in which a person substitutes for a deceased death benefits claimant under 38 U.S.C. 5121A are claims for death benefits subject to this section.

(Authority: 38 U.S.C. 5121A, 7104(b)).

Subpart N—Miscellaneous

■ 9. Revise § 20.1302 to read as follows:

§ 20.1302 Rule 1302. Death of appellant during pendency of appeal before the Board.

(a) *General.* An appeal pending before the Board of Veterans' Appeals when the appellant dies will be dismissed without prejudice. A person eligible for substitution under § 3.1010 of this chapter may file with the agency of original jurisdiction a request to substitute for the deceased appellant. If the agency of original jurisdiction grants the request to substitute, the case will assume its original place on the docket pursuant to Rule 900 (§ 20.900(a)(2)). If the agency of original jurisdiction denies the request to substitute and the person requesting to substitute appeals that decision to the Board, the appeal regarding eligibility to substitute will assume the same place on the docket as the original claim pursuant to Rule 900 (§ 20.900(a)(2)).

(b) *Exception.* (1) If a hearing request is pending pursuant to Rule 704 (§ 20.704) when the appellant dies, the agency of original jurisdiction may take action on a request to substitute without regard to whether the pending appeal has been dismissed by the Board, if the request is submitted in accordance with § 3.1010 of this chapter.

(2) If the agency of original jurisdiction grants the request to substitute, the Board of Veterans' Appeals can then take the testimony of the substitute at a hearing held pursuant to Rules 700 through 717 (§§ 20.700 through 20.717). If the substitute desires representation at the hearing, he or she must appoint a representative prior to the hearing pursuant to § 14.631(g) of this chapter.

(Authority: 38 U.S.C. 5121A, 7104(a)).

■ 10. In § 20.1304, revise paragraph (b)(1) introductory text and the authority citation at the end of the section to read as follows:

§ 20.1304 Rule 1304. Request for change in representation, request for personal hearing, or submission of additional evidence following certification of an appeal to the Board of Veterans' Appeals.

* * * * *

(b) * * *

(1) *General rule.* Subject to the exception in paragraph (b)(2) of this section, following the expiration of the period described in paragraph (a) of this section, the Board of Veterans' Appeals will not accept a request for a change in representation, a request for a personal hearing, or additional evidence except when the appellant demonstrates on motion that there was good cause for the delay. Examples of good cause include, but are not limited to, illness of the appellant or the representative which precluded action during the period; death of an individual representative; illness or incapacity of an individual representative which renders it impractical for an appellant to continue with him or her as representative; withdrawal of an individual representative; the discovery of evidence that was not available prior to the expiration of the period; and delay in transfer of the appellate record to the Board which precluded timely action with respect to these matters. Such motions must be in writing and must include the name of the veteran; the name of the claimant or appellant if other than the veteran (e.g., a veteran's survivor, a guardian, or a fiduciary appointed to receive VA benefits on an individual's behalf) or the name of any substitute claimant or appellant; the applicable Department of Veterans Affairs file number; and an explanation of why the request for a change in representation, the request for a personal hearing, or the submission of additional evidence could not be accomplished in a timely manner. Such motions must be filed at the following

address: Director, Office of Management, Planning and Analysis (014), Board of Veterans' Appeals, 810 Vermont Avenue NW., Washington, DC 20420. Depending upon the ruling on the motion, action will be taken as follows:

* * * * *

(Authority: 38 U.S.C. 5121A, 5902, 5903, 5904, 7104, 7105, 7105A)

[FR Doc. 2014–21139 Filed 9–4–14; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0445; FRL–9915–32]

Flazasulfuron; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of flazasulfuron in or on tree nut group 14–12. ISK Biosciences Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 5, 2014. Objections and requests for hearings must be received on or before November 4, 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–2013–0445, 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.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 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–2013–0445 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 November 4, 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–2013–0445, 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. Summary of Petitioned-For Tolerance

In the **Federal Register** of December 30, 2013 (78 FR 79361) (FRL–9903–69), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8173) by ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, Ohio 44077. The petition requested that 40 CFR 180.655 be amended by establishing tolerances for residues of the herbicide flazasulfuron, *N*-[[4,6-dimethoxy-2-pyrimidinyl)amino]carbonyl]-3-(trifluoromethyl)-2-pyridinesulfonamide, in or on tree nut group 14–12 at 0.01 parts per million (ppm). That document referenced a summary of the petition prepared by ISK Biosciences Corporation, the registrant, 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 added a tolerance for almond, hulls. The reason for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish 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. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), 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 flazasulfuron including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with flazasulfuron follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its 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.

Flazasulfuron exhibits low acute toxicity via oral, dermal and inhalation routes of exposure. It is not irritating to the skin or eyes and is not a dermal sensitizer. Subchronic studies in animals indicated decreased body weight gain, slight anemia in rats, and liver abnormalities in dogs. Dermal or systemic toxicity was not seen in a subchronic dermal study in rabbits at dose levels up to the limit dose.

In the longer-term mammalian toxicity studies, the kidney and liver were the primary target organs of flazasulfuron toxicity. Observed effects included adverse changes in kidney function (chronic nephropathy) and kidney physiology (enlargement, dark color of kidney), increases in liver weight and hepatocellular hypertrophy, increases in inflammatory cell infiltration, hepatocellular necrosis, hepatocellular swelling, and bile duct proliferation.

Developmental toxicity was observed in both rats and rabbits. Reduced fetal weights and delays in ossification were seen in a developmental toxicity study with Sprague-Dawley rats; an increased incidence of visceral malformations (intraventricular septal defect) was seen in a developmental study with Wistar rats. The developmental study in rabbits showed high incidences of abortion at the highest dose tested. Decreases in body weight and chronic nephropathy were observed in offspring in a 2-generation rat reproduction toxicity study. The effects on offspring in these studies occurred at dose levels which were also toxic to the parents.

A transient decrease in motor activity 5 hours post-dosing on Day 0 was observed at the mid-dose in an acute neurotoxicity study. This observation may be associated with a systemic effect and not with neurotoxicity since there was no corroborating indication of neurotoxicity in the subchronic neurotoxicity study. There are no indications of immunotoxicity potential from the repeated dose studies in the toxicity database. In addition, preliminary assessment of the available immunotoxicity study (currently under detailed review) shows no immunotoxicity in female mice when tested up to levels near the limit dose. Therefore, there are no concerns for immunotoxicity.

There was no evidence of carcinogenicity in the mouse oncogenicity study or the combined chronic toxicity/carcinogenicity study in the rat and no evidence of genotoxic potential in *in vitro* and *in vivo* mutagenicity studies. Based on the results of these studies, EPA has classified flazasulfuron as ''no evidence of carcinogenicity to humans.''

Specific information on the studies received and the nature of the adverse effects caused by flazasulfuron as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Flazasulfuron: Human Health Risk Assessment for Proposed Uses on Tree Nuts,'' at p. 28 in docket ID number EPA–HQ–OPP–2013–0445.

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 the NOAEL and the LOAEL are identified. 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.*

A summary of the toxicological endpoints for flazasulfuron used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLAZASULFURON FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including females, 13–49 years of age).	NOAEL = 50 mg/kg/day. UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	Acute RfD = 0.5 mg/kg/day ..... aPAD = 0.5 mg/kg/day	Acute neurotoxicity (rat) LOAEL = 1,000 mg/kg/day based on transient decrease in motor activity observed at Day 0 (5 hours post-dosing).

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLAZASULFURON FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Chronic dietary ..... (All populations)	NOAEL= 1.3 mg/ kg/day. UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	Chronic RfD = 0.013 mg/kg/day ..... cPAD = 0.013 mg/kg/day	Combined Chronic Toxicity/Carcinogenicity in rats LOAEL = 13.3 mg/kg/day based on adverse change in kidney function (chronic nephropathy).
Incidental oral short-term. (1 to 30 days) and Intermediate Term (1 to 6 months).	NOAEL= 2 mg/kg/ day. UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	LOC for MOE = 100	90-Day Oral Toxicity (dog) LOAEL = 10 mg/kg/day based on changes in liver (increase in: Deposition of brown pigments, glutamic pyruvic transaminase, creatine phosphokinase, inflammatory cell infiltration, microgranulomas).
Dermal short-term .. (1 to 30 days) and Intermediate-Term (1 to 6 months).	No hazard was identified at the limit dose following dermal exposure.		
Inhalation short-term. (1 to 30 days) and Intermediate-Term (1 to 6 months).	NOAEL= 2 mg/kg/ day. UF_A = 10x UF_H = 10x FQPA SF =1x	LOC for MOE = 100	90-Day oral toxicity (dog) LOAEL = 10 mg/kg/day based on changes in liver (increase in: Deposition of brown pigments, glutamic pyruvic transaminase, creatine phosphokinase, inflammatory cell infiltration, microgranulomas).
Cancer (Oral, dermal, inhalation).	Classification: No evidence of carcinogenicity to humans based on lack of carcinogenic effects in the rat and mouse carcinogenicity studies and lack of a mutagenicity concern.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day= milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to flazasulfuron, EPA considered exposure under the petitioned-for tolerances as well as all existing flazasulfuron tolerances in 40 CFR 180.655. EPA assessed dietary exposures from flazasulfuron in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for flazasulfuron. In estimating acute dietary exposure, 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). As to residue levels in food, EPA assumed tolerance level residues and 100% of the crop was treated (PCT).

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the U.S. Department of Agriculture's *National Health and Nutrition Examination Survey, What We Eat in America,* (NHANES/WWEIA). As to residue levels in food, EPA made the same assumptions (tolerance level residues and 100 PCT) as in the acute dietary exposure assessment.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that flazasulfuron does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for flazasulfuron in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of flazasulfuron. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Tier II PRZM–EXAMS—Index Reservoir model and PRZM–GW model, the estimated drinking water concentrations (EDWCs) of flazasulfuron for acute exposures are estimated to be 26.9 parts per billion (ppb) for surface water and 90.8 ppb for ground water and for chronic exposures for non-cancer assessments are estimated to be 4.67 ppb for surface water and 55.6 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 90.8 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 55.6 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). There are no residential uses being requested at this time. Therefore, residential handler and post-application scenarios were not assessed for the proposed tree nut use. However, there are existing residential uses that have been previously assessed and are used in the aggregate assessment presented in this document. Flazasulfuron is currently registered for the following uses that could result in residential exposures: Golf courses, sod farms, professionally managed athletic

fields, commercial lawns, Christmas trees, and industrial vegetation management areas. EPA assessed residential exposure using the following assumptions:

i. *Residential Handler Exposures.* Residential short-term (1–30 days) dermal and inhalation exposures are expected from flazasulfuron handler activities associated with the residential spot treatment use. Since no hazard was identified for the dermal route of exposure, dermal risks were not assessed. A MOE greater than 100 for the inhalation route is deemed adequate to protect residential flazasulfuron handlers. Handler scenarios resulted in MOEs ranging from 27,000 to 6,800,000 for inhalation exposures and, therefore are not of concern.

ii. *Residential Post-application Exposures.* Since the use sites include recreational parks, there is a potential for short-term dermal and incidental oral exposures to occur for children from the broadcast use of flazasulfuron. When determining the potential for residential exposure, the Agency considers residues, leaf to skin/hand residue transfer, children's hand-to-mouth transfer, and exposure time. Since no hazard was identified for the dermal route of exposure, dermal risks were not assessed. All children post-application scenarios resulted in MOEs ranging from 2,900 to 1,300,000 for incidental oral exposures and, therefore are not of concern.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

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 flazasulfuron to share a common mechanism of toxicity with any other substances, and flazasulfuron does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that flazasulfuron 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 Food Quality Protection Act Safety Factor (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.* The pre- and postnatal toxicity database for flazasulfuron includes developmental toxicity studies in rats (Sprague-Dawley and Wistar) and rabbits and a 2-generation reproduction toxicity study in rats.

There was no evidence of increased quantitative susceptibility of fetuses or offspring to flazasulfuron in any of the developmental or reproductive toxicity studies, since the effects on offspring occurred at dose levels which were also toxic to the parents. There is a potential concern for increased qualitative susceptibility of offspring based on the intraventricular septal defect seen in offspring at minimally toxic maternal dose levels in the Wistar rat developmental toxicity study; however, this effect was not seen in the developmental study in Sprague-Dawley rats tested up to the limit dose, and this concern is further addressed by the presence of clear NOAELs and LOAELs, and by the selection of regulatory endpoints that are protective of this effect. Therefore, EPA has no concerns for increased qualitative susceptibility.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for flazasulfuron is complete.

ii. There is no concern for increased quantitative or qualitative susceptibility in offspring.

iii. There are no neurotoxicity concerns.

iv. There are no residual uncertainties regarding exposure.

E. Aggregate Risks and Determination of Safety

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.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to flazasulfuron will occupy 3% of the aPAD for infants less than one year old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to flazasulfuron from food and water will utilize 23% of the cPAD for infants less than one year old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of flazasulfuron 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 short-term aggregate exposure for adults, which accounts for inhalation exposure while treating turf and dietary exposure from food and water, resulted in an MOE of 1,600 and is not of concern. The short-term aggregate exposure for children ages 1<2, which accounts for incidental oral exposure from hand-to-mouth activities on treated turf and dietary exposure from food and water, resulted in an MOE of 810 and is not 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). Since intermediate-term residential exposures are not likely to occur, intermediate-term aggregate risks were not assessed.

5. *Aggregate cancer risk for U.S. population.* Because there was no evidence of carcinogenicity in the rat and mouse carcinogenicity studies,

flazasulfuron 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 flazasulfuron residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (high performance liquid chromatography/tandem mass spectrometry with multiple reaction monitoring (HPLC/MS–MS/MRM) is available to enforce the tolerance expression.

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 Nations 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 flazasulfuron.

C. Revisions to Petitioned-For Tolerances

EPA has added a tolerance for almond, hulls. Almond hulls are listed separately as a raw agricultural commodity for almonds in Table 1 of OCSPP 860.1000, and are included in Table 1 Feedstuffs (June 2008); therefore, a tolerance is required for almond hulls.

V. Conclusion

Therefore, tolerances are established for residues of flazasulfuron, *N*-[[4,6-dimethoxy-2-pyrimidinyl)amino]carbonyl]-3-(trifluoromethyl)-2-pyridinesulfonamide, in or on tree nut group 14–12 at 0.01 ppm and on almond hulls at 0.01 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances 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).

VII. 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: August 27, 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 § 180.655, add alphabetically the following commodities to the table in paragraph (a), to read as follows:

§ 180.655 Flazasulfuron; tolerance for residues.

(a) *General.* * * *

Commodity	Parts per million
Almond, hulls	0.01
* * * * *	
Nut, tree, group 14–12	0.01
* * * * *	

* * * * *

[FR Doc. 2014–21068 Filed 9–4–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0073; FRL–9914–18]

Sulfuric Acid; 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 sulfuric acid (CAS Reg. No. 7664–93–9), when used as an inert ingredient, in antimicrobial formulations, on food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils. Exponent, Inc., on behalf of Ecolab, Inc., 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 sulfuric acid.

DATES: This regulation is effective September 5, 2014. Objections and requests for hearings must be received on or before November 4, 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–2014–0073, 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.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. How can I get 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.*

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–2014–0073 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 November 4, 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–2014–0073, 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 February 25, 2014 (79 FR 10458) (FRL–9906–77), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10654) by Exponent, Inc. (1150 Connecticut Ave. NW., Washington, DC 20036), on behalf of Ecolab, Inc., 370 N. Wasbasha St., St. Paul, MN 55102. The petition requested that 40 CFR 180.940 be amended by establishing an exemption from the requirement of a tolerance for residues of sulfuric acid (CAS Reg. No. 7664–93–9) when used as an inert ingredient in antimicrobial formulations applied on food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils up to 600 parts per million (ppm) in end use formulations. That document referenced a summary of the petition prepared by Exponent, Inc., on behalf of Ecolab, 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.

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 sulfuric acid including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with sulfuric acid 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 sulfuric acid 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 formulating a pesticide product, an acidic chemical such as sulfuric acid serves a specific purpose, that of a neutralizing agent or a pH adjuster. During the manufacture of a pesticide product (or, in fact, many industrial chemicals), it may be necessary to adjust the pH of the product. An acid functions as a neutralizing agent when the hydrogen ion (H+ 1) combines with the hydroxy (OH-) in a basic solution to form a molecule of water. Small amounts of the hydrogen ion would be added to the solution to lower the pH until a neutral pH is reached. After the pH adjustment is performed and the neutralization reaction occurs, sulfuric acid is no longer present. The reaction products that are then present are the sulfate (II) negatively charged ion and water.

Alternatively, it might be necessary to have a pesticide product maintain an acidic pH; thus, the sulfuric acid would be added during the manufacturing process to deliberately lower the pH, which would mean an excess of the hydrogen ion. Such products are not likely to be sold to the residential market.

As a chemical class, acids are significantly different from many of the chemicals regulated as inert ingredients in pesticide products. First, acids are highly corrosive. Due to this property, toxicity testing can only be performed on very diluted solutions. Therefore, toxicity studies performed with undiluted (concentrated) sulfuric acid are not available. Second, acids are highly reactive, and therefore are not expected to be persistent in the food supply, the environment, or in water resources. Sulfuric acid would be expected to dissociate and immediately react with both plant and animal materials.

Chemically, an acid is a substance that yields a hydrogen (H+1) ion when dissolved in water. The increase of the concentration of the H+ 1 ion reduces the pH. It is the hydrogen ion that is highly reactive, thus displaying the corrosive characteristic. The consequences of acute exposure to acids are well understood; they are corrosive to the eyes, the skin, and the respiratory tract. The hazard of any acidic chemical derives directly from and is due to these irritation and acidic effects.

Sulfuric acid is a strong acid. It is also a commonly used chemical. It has been used for years, and therefore, there is a significant body of existing publicly available information.

- Solutions of sulfuric acid greater than 10% are severely corrosive by all routes of exposure.
- Solutions of sulfuric acid of less than 10% are strong irritants.
- There is sufficient evidence that occupational exposure to strong-inorganic-acid mists containing sulfuric acid is carcinogenic (International Agency for Research on Cancer).
- There were no significant developmental or reproductive effects in mice or rabbits exposed to 20 milligram/cubic meter (mg/m3) sulfuric acid aerosols 7 hours per day on gestation days 6 to 15 (Agency for Toxic Substances and Disease (ATSDR)).

In fact, available data for sulfuric acid indicates that the acute oral and dermal toxicity of sulfuric acid is moderate; the acute inhalation lethal concentration (LC_{50}) is 18 mg/m3 in guinea pigs; and that sulfuric acid is corrosive to the eyes and skin in rabbits.

However, as noted above, exposure to sulfuric acid in pesticide products as an inert ingredient would be in the role of a pH adjuster, that is, a liquid form, not a mist. As an inert ingredient small amounts of sulfuric acid are incorporated in a pesticide product to lower the pH. After the pH adjustment is performed, the sulfuric acid would be neutralized, and therefore no longer present. It is recognized that sulfuric acid must be used and applied according to good manufacturing or good agricultural practices.

There are no available information on sulfuric acid indicative of a human health hazard from the ingestion of food directly treated with sulfuric acid. In fact, sulfuric acid would not be present in consumed foods. The small amounts of acids that might be added to a food during processing react rapidly with a food substance. Thus, the exposure is actually to sulfate residues.

In aqueous environments, sulfuric acid will rapidly dissociate into sulfate ions and hydrogen protons. The sulfate

anion, which is a normal constituent in the body, predominantly resulting from the body's metabolism of sulfur-containing food sources such as foods containing the essential amino acids cysteine and methionine, will enter the body electrolyte pool. Sulfate anions are vital components in a number of human biosynthetic pathways such as cartilage production and the formation of pancreatic digestive enzymes. Additionally, the sulfate anion is also an important conjugate in the Phase II conjugation/elimination of oxidized (OH) aromatic ring metabolites and for hydroxyl steroid hormones, such as estrogen, where it acts as a transport agent to target organ tissue receptors. Following ingestion, sulfate anions are predominantly not absorbed from the gastrointestinal tract and are excreted unchanged in urine. Therefore, the sulfate anion is unlikely to pose significant toxicity.

The sulfate residues (resulting from the use of sulfuric acid) are of minimal toxicity. In fact, calcium, sodium, magnesium, and potassium sulfates have been previously classified as List 4A, chemical substances of minimal risk. Various sulfate chemicals have uses as direct food additives. The human body metabolizes sulfate through well-understood pathways. It is a necessary human nutrient. There are no significant adverse effects, to the general public or any population subgroup from consumption of residues of sulfuric acid (actually the neutralized form which is the sulfate ion in solution) resulting from pesticide product uses.

Sulfuric acid was not mutagenic in the Ames Test. It caused chromosomal aberrations in a non-bacterial test *in vitro.* However, it is well known that the aberrations were a consequence of reduced pH.

Neither a neurotoxicity nor an immunotoxicity study was available for review. However, any sulfuric acid absorbed into the body would be in the form of inorganic sulfate, which is indistinguishable from endogenous sulfate. As a normal body constituent, sulfate is unlikely to be neurotoxic or immunotoxic.

B. Toxicological Points of Departure/ Levels of Concern

Based on the low potential hazard, toxicological endpoints of concern have not been identified for sulfuric acid. Thus, due to its low potential hazard and lack of hazard endpoint, the Agency has determined that a quantitative risk assessment using safety factors applied to a point of departure protective of an identified hazard endpoint is not appropriate.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses and drinking water.* In evaluating dietary exposure to sulfuric acid, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from sulfuric acid in food as follows:

Dietary exposure (food and drinking water) to sulfuric acid can occur following ingestion of foods with residues from food-contact surface sanitizing solutions for public eating places, treated dairy- and food-processing equipment and utensils; pre- and post-harvest crop uses and as a direct food additives. However, a quantitative dietary exposure assessment was not conducted since an endpoint for risk assessment was not identified.

2. *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).

Residential (dermal and inhalation) exposure are not expected from the current requested use pattern. However, residential (dermal and inhalation) exposure can occur from the use of consumer products containing sulfuric acid (i.e., stain remover, drain solutions). Since an endpoint for risk assessment was not identified, a quantitative residential exposure assessment for sulfuric acid was not conducted.

3. *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 sulfuric acid to share a common mechanism of toxicity with any other substances, and sulfuric acid does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that sulfuric acid 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

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10×) 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 Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10×, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

As part of its qualitative assessment, the Agency did not use SFs for assessing risk, and no additional SF is needed for assessing risk to infants and children. Based on an assessment of sulfuric acid and its chemical properties, EPA has concluded that there are no toxicological endpoints of concern for the U.S. population, including infants and children.

E. Aggregate Risks and Determination of Safety

In examining aggregate exposure, EPA takes into account the available and reliable information concerning exposures to pesticide residues in food and drinking water, and non-occupational pesticide exposures. Dietary (food and drinking water) and non-dietary (residential) exposures of concern are not anticipated for sulfuric acid because it dissociates to ions in water, these ions are essential components in the human metabolic processes and there are no toxicity issues. In addition, it is currently exempted from the requirement of a tolerance (with limitations) under 40 CFR 180.940(b) and (c); 40 CFR 180.910 and 40 CFR 180.1019. Further, the Food and Drug Administration (FDA) considers sulfuric acid as generally recognized as safe (GRAS) for use in foods and drinking water. Taking into consideration all available information on sulfuric acid up to 600 ppm, EPA has determined that there is a reasonable certainty that no harm to any population subgroup will result from aggregate exposure to sulfuric acid under reasonable foreseeable circumstances. Therefore, the establishment of an exemption from tolerance under 40 CFR

180.940 for residues of sulfuric acid when used as an inert ingredient in pesticide formulations on food contact surfaces in public eating places, dairy processing equipment and food processing equipment and utensils up to 600 ppm in antimicrobial formulations, is safe under FFDCA section 408.

V. Other Considerations

Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.940 for sulfuric acid (CAS Reg. No. 7664–93–9) when used as an inert ingredient in microbial formulations applied on food-contact surfaces in public eating places, dairy-processing equipment and food-processing equipment and utensils up to 600 ppm.

Paragraph (b) of 40 CFR 180.940 contains an entry exempting residues of sulfuric acid in antimicrobial formulations applied to dairy-processing equipment and food-processing equipment and utensils up to 288 ppm, and paragraph (c) of 40 CFR 180.940 contains an entry exempting residues of sulfuric acid in antimicrobial formulations applied to food-processing equipment and utensils at concentrations not to exceed 228 ppm. Because EPA is establishing an exemption for residues of sulfuric acid in paragraph (a) of 40 CFR 180.940, which would exempt residues of sulfuric acid in antimicrobial formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils at concentrations not to exceed 600 ppm, this exemption supersedes the current exemptions in paragraphs (b) and (c) of 40 CFR 180.940. To avoid confusion caused by inconsistency between the paragraphs and because all residues covered under 40 CFR 180.940(b) and (c) would also be covered under 40 CFR 180.940(a), EPA is removing the entries for sulfuric acid (CAS Reg. No. 7664–93–9) in 40 CFR 180.940(b) and (c).

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: August 25, 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 § 180.940:

■ a. Alphabetically add the following inert ingredient to the table in paragraph (a).

■ b. Remove the entries for sulfuric acid (CAS Reg. No. 7664–93–9) from the tables in paragraphs (b) and (c).

The addition reads as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *

(a) * * *

Pesticide chemical	CAS Reg. No.	Uses
*	*	*
Sulfuric acid	7664–93–9	Food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils in antimicrobial formulations. Not to exceed 600 ppm.
*	*	*

* * * * *

[FR Doc. 2014–21109 Filed 9–4–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 146, 147, 148, 155, and 156

[CMS–9941–F]

RIN 0938–AS32

Patient Protection and Affordable Care Act; Annual Eligibility Redeterminations for Exchange Participation and Insurance Affordability Programs; Health Insurance Issuer Standards Under the Affordable Care Act, Including Standards Related to Exchanges

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This final rule specifies additional options for annual eligibility redeterminations and renewal and re-enrollment notice requirements for qualified health plans offered through the Exchange, beginning with annual redeterminations for coverage for benefit year 2015. This final rule provides additional flexibility for Exchanges, including the ability to propose unique approaches that meet the specific needs of their state, while streamlining the consumer experience.

DATES: These regulations are effective on October 6, 2014.

FOR FURTHER INFORMATION CONTACT: Jacob Ackerman, (301) 492–4179, for questions regarding parts 146 through 148. Christine Hammer, (301) 492–4431, for questions regarding part 155. Spencer Manasse, (301) 492–5141, for questions regarding part 156.

SUPPLEMENTARY INFORMATION: This **Federal Register** document is also available from the **Federal Register** online database through *Federal Digital System (FDsys),* a service of the U.S. Government Printing Office. This database can be accessed via the internet at *http://www.gpo.gov/fdsys.*

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I. Background

A. Legislative Overview

The Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted on March 23, 2010. The Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152), which amended and revised several provisions of the Patient Protection and Affordable Care Act, was enacted on March 30, 2010. In this final rule, we refer to the two statutes collectively as the ''Affordable Care Act.'' Subtitles A and C of Title I of the Affordable Care Act reorganized, amended, and added to the provisions of part A of Title XXVII of the Public Health Service Act (PHS Act) relating to group health plans and health insurance issuers in the group and individual markets.

Starting on October 1, 2013 for coverage starting as soon as January 1, 2014, qualified individuals and qualified employers have been able to purchase qualified health plans (QHPs)—private health insurance that has been certified as meeting certain standards—through competitive marketplaces called Exchanges or Health Insurance Marketplaces. The word ''Exchanges'' refers to both State Exchanges, also called State-based Exchanges, and Federally-facilitated Exchanges (FFEs). In this final rule, we use the terms ''State Exchange'' or ''FFE'' when we are referring to a particular type of Exchange. When we refer to ''FFEs,'' we are also referring to State Partnership Exchanges, which are a form of FFE.

Section 1411(f)(1)(B) of the Affordable Care Act directs the Secretary of Health and Human Services (the Secretary) to establish procedures to redetermine the eligibility of individuals on a periodic basis in appropriate circumstances. Section 1321(a) of the Affordable Care Act provides authority for the Secretary to establish standards and regulations to implement the statutory requirements related to Exchanges, QHPs and other components of Title I of the Affordable Care Act. Section 2703 of the PHS Act, as added by the Affordable Care Act, and sections 2712 and 2741 of the PHS Act, as added by the Health Insurance Portability and Accountability Act of 1996, require health insurance issuers in the group and individual markets to guarantee the renewability of coverage unless an exception applies.

B. Stakeholder Consultation and Input

The Department of Health and Human Services (HHS) has consulted with stakeholders on a number of policies related to the operation of Exchanges, including eligibility redetermination. HHS has held a number of listening sessions with consumers, providers, employers, health plans, and State representatives to gather public input. HHS consulted with stakeholders through regular meetings with the National Association of Insurance Commissioners (NAIC), regular contact with states through the Exchange grant process, meetings with the CMS Tribal Technical Advisory Group and an All Tribes Call on July 21, 2014 with tribal leaders and representatives, health insurance issuers, trade groups, consumer advocates, employers, and

other interested parties. We considered all of the public input as we developed the policies in this final rule.

C. Structure of the Final Rule

The regulations in this final rule will be codified in 45 CFR parts 146, 147, 148, 155, and 156. Part 146 specifies standards related to the group health insurance market, including guaranteed renewability of coverage for employers in the group market. Part 147 specifies standards related to health insurance reforms for the group and individual health insurance markets, including guaranteed renewability of coverage. Part 148 specifies standards for the individual health insurance market, including guaranteed renewability of individual health insurance coverage. Part 155 specifies standards related to the establishment, operation, and minimum functionality of Exchanges, including annual eligibility redeterminations. Part 156 specifies standards for health insurance issuers with respect to participation in an Exchange.

II. Provisions of the Proposed Regulations and Analysis and Responses to Comments

On July 1, 2014, we published a proposed rule in the **Federal Register** (79 FR 37262) entitled, Patient Protection and Affordable Care Act; Annual Eligibility Redeterminations for Exchange Participation and Insurance Affordability Programs; Health Insurance Issuer Standards Under the Affordable Care Act, Including Standards Related to Exchanges. The July 1, 2014 proposed rule (hereinafter referred to as the July 1, 2014 Annual Eligibility Redeterminations proposed rule) proposed additional options for annual eligibility redeterminations and renewal and re-enrollment notice requirements for QHPs offered through the Exchange, beginning with annual redeterminations for the 2015 benefit year. In total, we received 36 comments on the July 1, 2014 Annual Eligibility Redeterminations proposed rule. Comments represented a wide variety of stakeholders, including but not limited to states, tribal organizations, health plans, healthcare providers, consumer groups, and industry experts. We note that we received some public comments that were outside the scope of the proposed rule and are not addressed in this final rule. We have not provided explicit responses to such comments.

In this final rule, we provide a summary of each proposed provision, a summary of and responses to public comments received, and the provisions we are finalizing.

A. Part 146—Requirements for the Group Health Insurance Market; Subpart E—Provisions Applicable to Only Health Insurance Issuers

For a discussion of the provisions of this final rule related to Part 146, see section II.B of this preamble.

B. Part 147—Health Insurance Reform Requirements for the Group and Individual Health Insurance Markets

In the preamble to the July 1, 2014 Annual Eligibility Redeterminations proposed rule, we proposed establishing a notice requirement that would apply to all issuers subject to the guaranteed renewability requirements that nonrenew coverage based on continued coverage not being available in the enrollee's service area as a result of changes that do not result in product discontinuances. This proposal was intended to ensure that enrollees receive notice when the product (as defined in 45 CFR 144.103) that they purchased no longer covers their location in its service area and their coverage will be nonrenewed consistent with the guaranteed renewability provisions. We sought comment on this proposal, including the appropriate timeframe for providing the notice. We received no comments on this proposal.

In this final rule, we amend the guaranteed renewability regulations at § 146.152(b)(5), § 147.106(b)(5), and § 148.122(c)(4) to direct an issuer that nonrenews coverage based on enrollees' movement outside the service area to provide notice in writing to each plan sponsor or individual, as applicable, (and to all participants and beneficiaries covered under the coverage) affected by such nonrenewal. This notice must be provided in the form and manner specified by the Secretary for notices of product discontinuances. This requirement applies to grandfathered and non-grandfathered coverage in the individual, small group, and large group markets offered through or outside an Exchange.

Final Rule Action: We are amending the guaranteed renewability regulations at § 146.152, § 147.106, and § 148.122 to establish a notice requirement for issuers that nonrenew coverage based on an enrollee no longer being located within the product's service area.

C. Part 148—Requirements for the Individual Health Insurance Market; Subpart B—Requirements Relating to Access and Renewability of Coverage

For a discussion of the provisions of this final rule related to Part 148, see section II.B of this preamble.

D. Part 155—Exchange Establishment Standards and Other Related Standards Under the Affordable Care Act; Subpart D—Exchange Functions in the Individual Market: Eligibility Determinations for Exchange Participation and Insurance Affordability Programs

In § 155.330, we proposed to amend paragraph (b)(4), which addresses reporting changes in the context of eligibility redeterminations during a benefit year. Our proposal provided that the Exchange must allow an enrollee, or an application filer on behalf of the enrollee, to report changes via the channels available for the submission of an application; however, we proposed that the Exchange be permitted, but not required, to allow an enrollee, or an application filer, on behalf of the enrollee, to report changes via mail. We noted that experience has shown that eligibility changes reported by mail are often difficult to process because they frequently trigger telephone contact to gather additional information needed to process the change. We noted that, if finalized, we anticipate that the FFE would not accept changes reported via mail for the foreseeable future.

Comment: We received several comments on the proposed changes to § 155.330(b)(4). Some comments requested that HHS retain the requirement that Exchanges allow enrollees to use mail to report changes during the benefit year. These commenters expressed concern that finalizing the provision as proposed would place an undue burden on vulnerable populations who may not have ready access to phones, the Internet, or transportation to in-person assisters. A few commenters recommended creating a paper change report form to elicit the correct information to process changes reported by mail. In contrast, a few commenters supported the flexibility the proposed provision provided to Exchanges and viewed the proposal as administratively efficient.

Response: We are finalizing the provision as proposed, permitting Exchanges flexibility to determine whether to provide a process to report changes via mail and note that the FFE will be using this flexibility to not provide such a process via mail. We agree that vulnerable populations must have ready access to the Exchange to report changes. However, as noted in the preamble to the proposed rule, experience has shown that changes reported via mail often require significant follow-up and can result in delays in processing pertinent eligibility

information, often to the detriment of the consumer. Accordingly, while Exchanges may allow for the reporting of changes by mail, they are not required to do so. The FFE will elect not to allow changes by mail for the foreseeable future.

Comment: One commenter asked whether the call center would be able to inform the individual the result of reporting a change. Another commenter questioned whether the Exchange would provide written confirmation, including an explanation of any action taken, to the enrollee who submits a change.

Response: In the FFE, we anticipate that the majority of enrollees will know the outcome of the changes reported through the call center during their call. As with all actions that result in a new eligibility determination, the enrollees will receive an eligibility determination notice (in the format—hard copy or electronic—that they have chosen).

Final Rule Action: We are finalizing the provision as proposed in § 155.330(b)(4).

In § 155.335(a), we proposed amendments to the general requirement for annual eligibility redetermination. Specifically, we proposed in paragraph (a)(1) that, except as specified in paragraphs (l) and (m) of this section, the Exchange must redetermine the eligibility of a qualified individual on an annual basis. In paragraph (a)(2), we proposed the Exchange must conduct annual redeterminations using one of three options: (1) The procedures described in § 155.335(b) through (m); (2) alternative procedures specified by the Secretary for the applicable plan year; or (3) alternative procedures approved by the Secretary based on a showing by the Exchange that the alternative procedures would facilitate continued enrollment in coverage for which the enrollee remains eligible, provide clear information about the process to the qualified individual or enrollee (including regarding any action by the qualified individual or enrollee necessary to obtain the most accurate redetermination of eligibility), and provide adequate program integrity protections.

Comment: We received many comments supporting the flexibility provided by the three options for Exchanges to implement annual redetermination procedures. These commenters believed that the proposal would promote uninterrupted coverage for enrollees, as well as enhance and streamline the redetermination process.

Response: We appreciate the support for the three options we proposed for Exchanges to conduct annual eligibility redeterminations.

Comment: A few commenters supported moving Exchanges toward a single standard for annual eligibility redeterminations, primarily in accordance with § 155.335(b) through (m).

Response: We anticipate that the flexibility offered to Exchanges to select procedures for conducting annual redeterminations will encourage innovation and best practices that will benefit both Exchanges and stakeholders over time. We caution that no matter which option an Exchange implements for annual redeterminations, the Exchange will be held to applicable program integrity and oversight standards to ensure an effective process.

Comment: Several commenters asked that a fully-automated redetermination process be implemented. Specifically, these commenters recommended that enrollees not be required to reapply at their Exchange in order to maintain accurate subsidies and program eligibility by the 2016 benefit year. In contrast, one commenter requested that auto-redeterminations not be implemented until 2016.

Response: We recognize the importance of a simple consumer experience during the eligibility redetermination and re-enrollment process as well as the potential benefits consumers may receive by regularly updating their application information, or simply confirming its accuracy.

Comment: We received a few comments from the issuer community citing concern that the guidance released alongside the proposed rule, specifying the alternative procedures that the FFE would use under proposed § 155.225(a)(2)(ii) (the Guidance on Annual Redeterminations for 2015 [1]), is limited to the 2015 benefit year

Response: We indicated in the July 1, 2014 Annual Eligibility Redeterminations proposed rule that these are the procedures the FFE would use for the 2015 benefit year, if the proposed option to select these alternative procedures were finalized. The flexibility provided for the Secretary to update the alternative procedures under § 155.335(a)(2)(ii) is intended to ensure that HHS can learn from the Exchanges' experience and improve the alternative procedures over time. Although HHS may issue revised alternative procedures annually, we intend to work with stakeholders to ensure there is sufficient lead time in the event changes are made.

Comment: Commenters, particularly State-based Exchanges, were supportive of the option proposed in § 155.335(a)(2)(iii) allowing Exchanges to propose alternative procedures, subject to approval by the Secretary, for conducting annual redeterminations. In contrast, one commenter encouraged HHS to standardize redetermination procedures across all Exchanges to reduce administrative burden on the issuer community.

Response: Although we understand the desire to create uniform processes across Exchanges by permitting this flexibility, Exchanges will be able to benefit from the experiences of one another and be able to apply lessons-learned to improve their consumers' redetermination experience.

Comment: We received a few comments regarding how HHS should conduct reviews of alternative procedures proposed by Exchanges. One commenter requested that reviews of alternative procedures be conducted on an individualized basis, considering state-specific factors, including operational structure, 2014 experience, and information technology capabilities. Similarly, several commenters recommended specifying additional standards that Exchanges' alternative procedures must meet as part of the review process. Other commenters recommended that alternative procedures must meet minimum federal standards, not be burdensome for consumers, and be clear improvements from the process implemented by the FFE. Finally, a commenter requested that alternative procedures for redeterminations be publicly available.

Response: We appreciate the many suggestions for standards for alternative redetermination procedures under § 155.335(a)(2)(iii), as well as recommendations for the approval process for those procedures. We note that the alternative procedures we are finalizing under § 155.335(a)(2)(iii) must provide consumer and program integrity protections to ensure a consistent, effective process that safeguards public funds. We will work with Exchanges to develop and provide guidance about the process for submitting alternative procedures for approval under § 155.335(a)(2)(iii).

Comment: Several commenters submitted comments regarding the substance of the Guidance on Annual Redeterminations for 2015 released contemporaneously with the July 1, 2014 Annual Eligibility Redeterminations proposed rule.

[1] Guidance on Annual Redeterminations for Coverage for 2015, available at *http://www.coms.gov/cciio/resources/Regulations-and-Guidance/index.html.*

Response: The substance of the Guidance on Annual Redeterminations for 2015 is beyond the scope of the proposed rule and these comments are not addressed in this final rule.

Final Rule Action: We are finalizing § 155.335(a) with a minor modification changing ''plan year'' to ''benefit year'' in § 155.335(a)(2)(ii).

In § 155.335(e), we proposed to revise the language regarding change reporting to generally align with the standards in § 155.330(b), so that § 155.335(e) would specify that, except as specified in proposed paragraph (e)(1), the Exchange must require a qualified individual to report any change with respect to the eligibility standards specified in § 155.305 within 30 days of any such change. In paragraph (e)(1), we proposed that the Exchange must not require a qualified individual who did not request an eligibility determination for insurance affordability programs to report changes that affect eligibility for insurance affordability programs. Finally, in paragraph (e)(2), we proposed to amend the existing provision requiring that the Exchange must allow a qualified individual, or an application filer, on behalf of the qualified individual, to report changes via the channels available for submission of an application, as described in § 155.405(c)(2). We proposed that this requirement would continue to apply, except that the Exchange would be permitted but not required to allow a qualified individual, or an application filer, on behalf of the qualified individual, to report changes via mail.

Comment: We received some comments regarding the proposed provisions in paragraph (e). A few commenters recommended not revising the provisions in paragraph (e) at all. Other commenters sought clarification as to whether the changes reported at annual redetermination should be based on current circumstances or could be based on expected changes in the coming benefit year. Another commenter supported the proposed provision in paragraph (e)(1), which would not permit Exchanges to require a qualified individual who did not request an eligibility determination for insurance affordability programs to report changes that affect eligibility for insurance affordability programs. One commenter recommended that Exchanges be required to inform people about the availability of financial assistance through the Exchange even if they are not currently receiving it. Finally, one commenter requested that Exchanges be required to include a summary of the individual's application on file in the annual redetermination notice and to ensure that this information is in plain language so it is easily accessible for all consumers.

Response: We believe the amendments made to this paragraph are necessary to generally align with the standards in § 155.330, including proposed § 155.330(b)(4), which governs the corresponding requirements for eligibility redeterminations during the benefit year. We note that non-income related eligibility criteria, such as residency changes must be reported within 30 days following the change in accordance with § 155.330(b)(1). However, we further clarify, in response to comment, that eligibility for advance payments of the premium tax credit and cost-sharing reductions is based on projected annual household income and consumers may update that information at any time throughout the year. We also note that Exchanges may, but are not required, to remind consumers who do not currently receive advance payments of the premium tax credit or cost-sharing reductions through the Exchange that they may be eligible for this financial assistance. Consistent with all applicable requirements, Exchanges can provide additional information at their discretion.

Comment: Several commenters requested that paragraph (e) provide a minimum threshold below which income changes would not be required to be reported for annual redetermination. We also received a comment asking that Exchanges use consistent messaging about reporting changes in income to reduce consumer confusion.

Response: We note that the provision for reporting changes during the benefit year at § 155.330 does permit Exchanges to establish a reasonable threshold for reporting changes in income. However, we have declined to establish a threshold in this instance, in order to promote the greatest possible accuracy of annual eligibility redeterminations. Because all consumers will be subject to annual redeterminations, we consider the accuracy of annual redeterminations to be a priority and a significant way in which Exchanges can help reduce the risk that consumers may have to pay back any amount of their advance payments of the premium tax credit at tax filing time if, through the reconciliation process, the IRS determines the advance payment of the premium tax credit to be in excess of the premium tax credit for which the consumer was actually eligible. We note that consumers who do not have steady or predictable income have the same change reporting options as all other consumers and are able to project income-related changes for the year as part of their annual eligibility redetermination, reducing the frequency with which they must report an income-related change. Finally, Exchanges must adhere to the standards in § 155.330(b) requiring consumers to report changes during the benefit year; however, Exchanges have flexibility to establish reasonable thresholds below which changes in income do not have to be reported for purposes of a mid-year redetermination. Given this flexibility, we do not believe it is necessary to impose specific requirements regarding change reporting messages across Exchanges.

Comment: We received several comments about the requirement in proposed § 155.335(e) that qualified individuals report any change with respect to eligibility standards within 30 days of such a change. One commenter questioned what the consequences were if an individual fails to report a change within 30 days or reports the change more than 30 days after the change. Another commenter suggested clarifying that individuals who report changes more than 30 days after they occur can still receive an updated eligibility determination.

Response: The requirement to report changes within 30 days is intended to ensure that eligibility determinations remain accurate in view of qualified individuals' most current eligibility information, and reduce the risk that consumers may have to repay advance payments of the premium tax credit in excess of what they are eligible for, through the reconciliation process. Individuals who report changes more than 30 days after the change will still receive an updated eligibility determination.

Comment: We received comments both supporting and opposing the proposed change in paragraph (e)(2) to eliminate the requirement for Exchanges to accept changes reported by mail, with many commenters focusing on the potential lack of access vulnerable populations may have to the methods Exchanges are required to provide for reporting changes. We also received a few general recommendations related to this provision. For example, one commenter recommended Exchanges establish tiered support through the call center. Another comment emphasized the need for a streamlined process for consumers to update their income and eligibility information without having to go through the entire application process.

Response: As noted in responses to the comments regarding the proposed

changes to § 155.330(b)(4), we agree that vulnerable populations must have access to the Exchange to report changes. However, changes reported by mail often require significant follow-up in order to obtain enough information to process the change, which creates a burden on both the Exchange and the consumer to complete the change reporting process. The required methods for accepting reported changes should only require a one-time interaction with the Exchange and we do not believe they inappropriately limit the ability of consumers to efficiently report changes. Therefore, we are finalizing the provision as proposed, permitting Exchanges flexibility to determine whether to accept reports of changes via mail.

Final Rule Action: We are finalizing § 155.335(e) as proposed.

In § 155.335(j), we proposed to modify the standards for re-enrollment in coverage. First, in paragraph (j)(1), we proposed that if an enrollee remains eligible for enrollment in a QHP through the Exchange upon annual redetermination, and the product under which the QHP in which he or she was enrolled remains available for renewal, consistent with 45 CFR 147.106, such enrollee will have his or her enrollment in a QHP under the product renewed unless he or she terminates coverage, including termination of coverage in connection with voluntarily selecting a different QHP, in accordance with § 155.430. In this situation, we proposed that the QHP in which the enrollee will be renewed will be selected according to the following order of priority: (1) In the same plan as the enrollee's current QHP; (2) if the enrollee's current QHP is not available, the enrollee's coverage will be renewed in a plan at the same metal level as the enrollee's current QHP; (3) if the enrollee's current QHP is not available and the enrollee's product no longer includes a plan at the same metal level as the enrollee's current QHP, the enrollee's coverage will be renewed in a plan that is one metal level higher or lower than the enrollee's current QHP; and (4) if the enrollee's current QHP is not available and the enrollee's product no longer includes a plan that is at the same metal level as, or one metal level higher or lower than the enrollee's current QHP, the enrollee's coverage will be renewed in any other plan offered under the product in which the enrollee's current QHP is offered in which the enrollee is eligible to enroll.

Second, in paragraph (j)(2), we proposed standards to address re-enrollment in situations in which the product under which an enrollee's QHP is offered is not available through the Exchange for renewal, consistent with § 147.106. In this situation, we proposed the issuer may still re-enroll the enrollee in a different product offered by the same issuer, to the extent permitted by applicable state law, unless the enrollee terminates coverage. To the extent that an issuer is re-enrolling such an enrollee, we proposed that the plan in which the enrollee will be renewed will be selected according to the following order of priority: (1) In a plan through the Exchange at the same metal level as the enrollee's current QHP in the product offered by the issuer that is the most similar to the enrollee's current product; (2) if the issuer does not offer another plan through the Exchange at the same metal level as the enrollee's current QHP, the enrollee will be re-enrolled in a plan through the Exchange that is one metal level higher or lower than the enrollee's current QHP in the product offered by the issuer through the Exchange that is the most similar to the enrollee's current product; (3) if the issuer does not offer another plan through the Exchange at the same metal level as, or one metal level higher or lower than the enrollee's current QHP, the enrollee will be re-enrolled in any other plan offered through the Exchange by the QHP issuer in which the enrollee is eligible to enroll; and (4) if the issuer does not offer any plan through the Exchange in which the enrollee is eligible to enroll, the enrollee may be re-enrolled in a plan offered outside the Exchange by the QHP issuer under the product that is the most similar to the enrollee's current product, in which the enrollee is eligible to enroll. We also solicited comment regarding whether paragraphs (j)(1)(iii) and (j)(2)(ii) should only prioritize a plan with a lower metal level, and whether in general, priority should be placed on plans that have a premium that is closest to the plan in which an enrollee is currently enrolled.

Comment: One commenter noted the importance of continuity of coverage without gaps and suggested that consumers have full transparency into the process and be informed why they are being enrolled in a product and notified that some issuers who did not participate in the Exchange in the 2014 benefit year may be offering plans in the 2015 benefit year that consumers may want to consider. Similarly, a commenter did not support the re-enrollment provisions, believing they would steer members away from the shopping experience and discourage incumbent issuers from creating new and innovative products. A few commenters noted their general support for the provisions in paragraph (j) and noted that they would cause the least amount of disruption to the enrollee.

Response: We believe that the rule, as finalized, best furthers the goal of creating continuity of coverage for consumers at annual redetermination and enrollment. We agree that consumers should understand why they are being enrolled into a new plan, if applicable, and be reminded that, in all cases, after being redetermined to be eligible for coverage through the Exchange, they can return to the Exchange to shop for another plan, if they wish.

Comment: Some commenters suggested delaying the implementation of the proposed auto-enrollment policy until the 2016 benefit year due to concerns about operational readiness. A commenter asked that, if HHS did proceed with 2015 implementation, the enrollment policy be permitted only at the end of open enrollment after all enrollee outreach has been conducted.

Response: We understand that QHP issuers, Exchanges, consumers, and other stakeholders are concerned that they have time to prepare for the redetermination and enrollment period for benefit year 2015 coverage. We agree that encouraging aggressive outreach and enrollee engagement are important. However, it is important for stakeholders to have sufficient guidance to conduct redetermination and re-enrollment in accordance with federal standards during the entire open enrollment period for the 2015 benefit year. Postponing the implementation of enrollment procedures until the end of the open enrollment period could result in some consumers experiencing gaps in coverage. We believe that the Exchange should complete the redetermination and re-enrollment process early enough so that consumers have coverage (and financial assistance, if applicable) effective January 1, 2015.

Comment: A few commenters provided general comments on and alternatives to the proposed hierarchies in paragraphs (j)(1) and (2). For instance, one commenter disagreed with the use of the hierarchy because of the substantial differences in plans that a consumer may be renewed or re-enrolled into at different metal levels and in different product lines. Another commenter thought enrolling a consumer in a product or plan other than the consumer's identical QHP would cause confusion and interrupt established provider-patient care, and inflate premiums. Similarly, a few commenters requested flexibility in applying the hierarchy in cases where its application could harm consumers or where the enrollee is in a unique

situation. For example, if the enrollee lives outside of the plan's service area, is enrolled in a catastrophic plan, or has aged off a parent's policy, the consumer may not have eligibility to re-enroll in the same plan.

Response: We understand the complexities that may result when consumers are placed in a different plan or product as the result of renewal or re-enrollment. However, we note that placement into another plan or product is not intended to be the usual result of the open enrollment period. The hierarchy proposed in § 155.335(j)(1) and (2) is only intended for use when a consumer's plan is no longer available or the product is discontinued, which we do not expect to be the typical scenario. The hierarchy then provides a structured process for renewal and re-enrollment which are intended to limit the differences between the consumer's current plan and new plan. We are finalizing the renewal and re-enrollment provisions with the hierarchical structure to guide the renewal and re-enrollment process while protecting the interests of the enrollee. Finally, we note that we are reviewing the unique situations noted by commenters and intend to issue guidance as to how to handle re-enrollment in these situations in the future.

Comment: We received several comments regarding the issuer's role in the re-enrollment process, particularly around the determination of when a product is ''most similar'' to an enrollee's current product, as stated in § 155.335(j)(2)(i), (ii), and (iv). For example, a few commenters suggested that the Exchange, not the QHP issuer, should determine comparability of plans to ensure that these determinations are objective and in a consumer's best interest. Commenters requested that HHS define the criteria used in determining plan comparability and to define how a product will be determined ''similar.'' Finally, one commenter indicated support for allowing the issuer to determine which product is most similar

Response: QHP issuers are in a unique position to understand both the characteristics of enrollees' current products and the issuers' other product offerings. As part of the QHP certification process QHP issuers in the FFE will submit crosswalks, mapping similar plans and products. Mapping enrollees in a given product to a similar product is a common industry practice.

As noted earlier, a key priority during the open enrollment period is to ensure that current enrollees have continuity of coverage and do not experience a gap in that coverage or their financial assistance. QHP issuers, coordinating with Exchanges to implement the re-enrollment and renewals, can streamline the re-enrollment and renewal process because they can easily determine whether a product will be available and, if not, what product, in accordance with the hierarchy established in this rule, would cause the least amount of disruption to the enrollee for re-enrollment.

Finally, we note that a product (as defined in § 144.103) means a unique set of health insurance coverage benefits that an issuer offers using a particular product network type (for example, HMO, PPO, POS, EPO, or indemnity) within a service area. Accordingly, when mapping individuals to a new product, we expect that QHP issuers will select a product that most closely resembles the benefits, network type, and service area of the enrollee's current product. Nonetheless, we are not establishing a ''most similar'' standard in this final rule. States, Exchanges, and QHP issuers may use a reasonable, good faith interpretation to determine what constitutes the most similar product for this purpose. Finally, we note that State-based Exchanges that opt to implement an alternative approach to annual redeterminations, in accordance with § 155.335(a)(2)(ii) or (iii), may also choose to establish a standard in this regard for renewal or re-enrollment.

Comment: A few commenters representing the issuer community submitted questions regarding the link between stand-alone dental plans and the renewal of medical coverage. For example, a commenter questioned whether there is an impact on enrollment in a stand-alone dental plan if an individual re-enrolls into a different medical plan. We received one suggestion that re-enrollment for stand-alone dental plans should emphasize maintaining the same plan type, such as high or low coverage, and design, such as family or child-only coverage.

Response: As excepted benefits, dental plans are not subject to the guaranteed renewability standards in § 147.106 and, therefore, the hierarchies in § 155.335(j) do not need to apply to them in the same way.

Nonetheless, to minimize disruptions in coverage for enrollees, in the FFE, re-enrollment for stand-alone dental plan (SADP) enrollees will follow the hierarchy in § 155.335(j) if the enrollee does not make any new SADP selections. We also note that SADPs are identified as either high or low plans, rather than using metal levels like medical plans. Therefore, the application of the hierarchy in the FFE for renewal or re-enrollment will account for this difference. For example, where a medical plan renewal will require, in accordance with § 155.335(j)(1)(ii), renewal in a plan at the same metal level as the enrollee's current QHP for medical coverage, application of this standard to SADP will result in renewal in a plan at the same plan level, either high or low, as the enrollee's current SADP QHP. Similarly, where the hierarchy states at § 155.335(j)(1)(iii) that if a plan at the same metal level as the enrollee's current plan is no longer available within the enrollee's current product, the enrollee will be renewed in a plan that is one metal level higher or lower than the enrollee's current QHP, in the SADP context, the FFE will renew or re-enroll the enrollee into the plan within the product that is offered at the permissible level other than the one of the enrollee's current SAPD (e.g., if the enrollee is currently in a high SAPD, he or she will be renewed into the low SADP).

We clarify that if an enrollee visits the FFE during the 2015 open enrollment period to change his or her QHP enrollment, he or she will need to re-select his or her SADP at the same time, because the FFE requires that QHPs and SADPs be selected at the same time. If an enrollee doesn't return to the FFE to affirmatively select plans by December 15, 2014, the FFE will process the renewal or re-enrollment plan indicated by SADP and QHP issuers on the 2015 Plan ID Crosswalk Template in accordance with the hierarchies set forth in this rule. We note that changes in medical QHP coverage during Open Enrollment are independent of changes to SADP, and vice versa.

Comment: A few commenters requested that HHS clarify the meaning of ''a plan at the same metal level'' proposed at paragraph (j)(1)(ii). One commenter suggested that this meant a plan with the same QHP issuer.

Response: We clarify that the hierarchy in § 155.335(j)(1) and (2) only refer to plans and products offered by the enrollee's current issuer. The hierarchy does not permit auto-enrollment into a product offered by a different issuer; however, the enrollee always has the option to shop for coverage with another issuer during the open enrollment period. We have added the word ''same'' before the word ''issuer'' in § 155.335(j)(2)(i), (ii), and (iii) to help clarify the intent. We also note one technical addition to § 155.335(j)(2)(ii) where we have added the word ''or'' at the end of the paragraph.

Comment: We received a few comments regarding the proposed

requirement to re-enroll an enrollee in a plan that is one metal level higher or lower than the enrollee's current QHP at § 155.335(j)(1)(iii) and (j)(2)(ii). For example, one commenter noted that the proposed rule did not specify whether the consumer or the QHP issuer decides whether to enroll into a higher or lower plan if the QHP issuer no longer offers the same level plan, and recommended that the Exchange, not the QHP issuer, make the enrollment decision. Another commenter recommended that QHP issuers must clearly inform the consumer what metal level the new plan will be and whether it is a higher or lower metal level than the consumer's existing plan.

A few commenters also addressed the request for comment regarding whether the hierarchy should only prioritize a plan with a lower metal level, or whether, in general, priority should be placed on plans that have a premium that is closest to the premium of the plan in which an enrollee is currently enrolled.

Response: We note that there was no consensus in favor of one approach over the other. As noted before, these provisions are not expected to be used frequently and are positioned in the hierarchy to promote less-disruptive re-enrollment scenarios first. These provisions are being finalized without substantive changes.

We also clarify, in response to the comments, that these provisions impose requirements on the Exchange because, although the QHP issuers will facilitate the enrollment by submitting plan crosswalks, the Exchange is ultimately responsible for ensuring that enrollment is effectuated according to the hierarchy. To reflect this, we are not finalizing proposed § 155.335(j)(2)(iv), because this provision addresses enrollment outside the Exchange. In cases where an enrollee cannot be re-enrolled in a plan within the Exchange in accordance with § 155.335(j)(2)(i)–(iii), the issuer will follow applicable guaranteed renewability requirements and applicable state law to complete re-enrollment outside the Exchange.

Comment: We also received comments from tribes regarding the effects of proposed renewal and re-enrollment regulations on American Indians and Alaska Natives (AI/ANs), noting that the zero and limited cost-sharing plan variations available to AI/ANs cross the four metal levels. The commenters recommended that the regulations be revised to give QHP issuers the flexibility to keep AI/ANs in their current plan or another bronze level plan. Finally, the commenters highlighted the importance of addressing this special circumstance for AI/ANs because they should always have an alternate zero or limited cost-sharing plan at any level available to them and should never be moved to a higher level plan if their zero or limited cost-sharing plan variation is eliminated.

Response: All QHPs must offer zero and limited cost-sharing plan variations at every metal level and, thus, if a particular QHP is no longer offered, the AI/AN should be able to enroll in another zero or limited cost-sharing plan variation at the same metal level, if a QHP is offered at that metal level. However, if a QHP is not available at a specific metal level, such as the bronze metal level, then no plan variations will be available at that level. If a qualified individual who is an Indian, as defined by section 4 of the Indian Health Care Improvement Act is auto-enrolled in a higher level metal plan than desired, pursuant to § 155.420(d)(8), he or she can change his or her enrollment once per month, mitigating any undesired outcome of automatic enrollment.

Comment: One commenter urged HHS to adopt a mechanism to accommodate auto-enrollment within an insurance holding company system.

Response: We disagree that a QHP issuer should be permitted to auto-enroll individuals into a product of another licensed issuer. Section 2703(c) of the Public Health Service (PHS) Act and § 147.106(c) provide that, in any case in which a QHP issuer decides to discontinue offering a particular product offered in the individual market, that product may be discontinued by the issuer in accordance with applicable state law in the applicable market only if certain requirements are met. Among the requirements for product discontinuation is that the issuer must offer to each individual provided that particular product the option to purchase, on a guaranteed availability basis, any other health insurance coverage offered by the issuer in that market. An issuer does not satisfy the requirement to offer other health insurance coverage currently being offered ''by the issuer'' if it auto-enrolls qualified individuals into a product of another issuer that is separately licensed to engage in the business of insurance in a State. Nothing in the PHS Act or the regulations under the PHS Act prevents an issuer that elects to discontinue offering all health insurance coverage in a market (market withdrawal under § 147.106(d)) from auto-enrolling affected individuals into a product of another licensed issuer, to the extent permitted by applicable state law.

Comment: We received many comments concerning the possibility for enrollees to be re-enrolled in a plan that prevents them from continuing to receive financial assistance through the Exchange. Two specific scenarios created concern for commenters. First, commenters were concerned that enrollees might lose access to cost-sharing reductions if they are re-enrolled into a non-silver level plan. Second, commenters noted that enrollees who are re-enrolled into a product outside the Exchange would lose eligibility for both advance payments of the premium tax credit and cost-sharing reductions. We received many recommendations regarding how to address these two scenarios. Several commenters urged HHS to simply prevent issuers from auto-enrolling qualified individuals into plans outside the Exchange if the qualified individual is eligible for advance payments of the premium tax credit, or into a non-silver level plan if the qualified individual is eligible for cost-sharing reductions. Similarly, a few commenters suggested that we add consideration of a plan's cost-sharing structure as a factor in any auto-enrollment schema. Another commenter suggested that if an individual is re-enrolled in a plan that results in a negative impact on his or her financial assistance that the Exchange should permit the individual to change plans during open enrollment and for a 90-day period following open enrollment.

Response: We agree with commenters that losing access to advance payments of the premium tax credit and/or cost-sharing reductions in order to maintain coverage under a product that is no longer available through an Exchange is not the preferable outcome for renewal and re-enrollment. The hierarchy of renewal and re-enrollment options set out in § 155.335(j) was created in order to minimize such disruptions. We contend that instances where an enrollee will be re-enrolled into coverage that prevents the enrollee from taking advantage of advance payments of the premium tax credit and/or cost-sharing reductions will be rare. We note that § 156.200(c)(1) requires all issuers offering a QHP through the Exchange to offer at least one plan at the silver level. Issuers generally have found that plans offered at this level are their most popular plans, and they understand the role of advance payments of the premium tax credit and/or cost-sharing reductions in making coverage affordable to their enrollees. We also note that the hierarchy is designed to prioritize options that generally do not

eliminate eligibility for advance payments of the premium tax credit (or the premium tax credit) and/or cost-sharing reductions.

Section 155.335(j)(2) of this final rule specifically addresses re-enrollment in Exchange coverage when an enrollee's current product is not available for renewal ''through the Exchange.'' Nonetheless, the product may continue to be available for renewal outside the Exchange. We interpret the guaranteed renewability provisions of § 147.106 to mean that, if the product remains available for renewal, including outside the Exchange, the issuer must renew the coverage within the product in which the enrollee is currently enrolled at the option of the enrollee, unless an exception to the guaranteed renewability requirements applies. However, for the reasons stated above, to the extent that the issuer is subject to 45 CFR 155.335(j) with regard to an enrollee's coverage through the Exchange, the issuer must, subject to applicable state law regarding automatic enrollments, automatically enroll the enrollee in accordance with the re-enrollment hierarchy, even where that results in re-enrollment in a plan under a different product offered by the same QHP issuer through the Exchange. Enrollments completed pursuant to § 155.335(j) will be considered to be a renewal of the enrollee's coverage, provided the enrollee also is given the option to renew coverage within his or her current product outside the Exchange. We intend to evaluate this policy and may provide future guidance on how an issuer continuing to offer an enrollee's product outside the Exchange can comply with the guaranteed renewability provisions. We reiterate that enrollees have the opportunity to shop for a new plan during the open enrollment period regardless of whether they are automatically re-enrolled into plan that does not meet their needs. We encourage Exchanges and QHP issuers to remind enrollees of that option.

Final Rule Action: We are finalizing § 155.335(j) with a few modifications. First, we have added the word ''same'' before the word ''issuer'' in § 155.335(j)(2)(i), (ii), and (iii). Second, we have added the word ''or'' at the end of § 155.335(j)(2)(ii). We are not finalizing § 155.335(j)(2)(iv).

B. Part 156—Health Insurance Issuer Standards Under the Affordable Care Act, Including Standards Related to Exchanges; Subpart M—Qualified Health Plan Issuer Responsibilities

In 45 CFR 147.106(f)(1) of the final rule entitled, ''Patient Protection and Affordable Care Act; Exchange and Insurance Market Standards for 2015 and Beyond,'' published on May 27, 2014 (79 FR 30240) (Market Standards Rule), we specified that health insurance issuers of non-grandfathered plans in the individual market will provide written notice of renewals before the first day of the next annual open enrollment period in a form and manner specified by the Secretary. Under § 147.106(c)(1), health insurance issuers of non-grandfathered plans in the individual market also will provide written notices of product discontinuances.

We proposed adding a new § 156.1255, which would require a health insurance issuer in the individual market that is renewing an enrollment group's coverage in a QHP offered through the Exchange (including a renewal with modifications), or that is discontinuing a product that includes plans offered through the Exchange and automatically enrolling an enrollee in a QHP under a different product offered by the same QHP issuer through the Exchange, to include certain information in the renewal or discontinuation notices, as applicable. We proposed that the additional information include premium and advance payment of premium tax credit information, an explanation of the requirement to report changes to the Exchange, a description of the reconciliation process for advance payments of the premium tax credit, and an explanation that if the enrollment group's coverage is being renewed in a QHP at a different (non-silver) metal level, cost-sharing reductions will not be provided for the upcoming year unless the enrollment group changes its enrollment to select a new silver-level plan.

Finally, we proposed establishing a notice requirement that would apply to all plans subject to the guaranteed renewability requirements that nonrenew coverage based on continued coverage not being available in the enrollee's service area as a result of changes that do not result in product discontinuances. We sought comment on this proposal, including the appropriate timeframe for providing the notice.

Comment: Commenters were generally supportive of the additional required content proposed for the renewal and re-enrollment notices. For example, commenters approved of the inclusion of information about changes to the advance payment of the premium tax credit and the reminders of the requirement to report changes, the reconciliation process, and the availability of cost-sharing reductions. Two commenters were concerned that the issuer notice content would not encourage enrollees to take any action. A few commenters urged issuers to ensure notices are provided in plain language and include appropriate accessibility features. Finally, one commenter recommended including language reminding enrollees to consider how changes in their enrollment might affect their access to financial assistance for health coverage and that they have the option to shop for other coverage.

Response: We appreciate the support received for the proposed additional required content for the renewal and re-enrollment notices. We note that, pursuant to § 156.250, issuer notices must comply with the standards for notices found at § 155.230(b) (which also cross-references § 155.205(c)), which includes accessibility and readability requirements.

We also note that issuers are required to provide enrollees a Summary of Benefits and Coverage (SBC), a document that summarizes benefits and cost-sharing under a plan. Issuers must provide the SBC at various specific points in time, including annually upon renewal. At renewal, the SBC must reflect any modified policy or plan terms that will be effective on the first day of the new policy or benefit year. If a written application is required for renewal or reissuance, the SBC must be provided no later than the date written application materials are distributed. If renewal or reissuance is automatic, the SBC generally must be provided no later than 30 days prior to the first day of the new policy or benefit year. 45 CFR 147.200(a)(1)(ii)(E)(2) and (a)(1)(iv)(C)(2). This requirement also applies in the situation in which an issuer nonrenews or discontinues coverage under an existing health insurance product and, consistent with applicable Federal and State law, automatically enrolls an individual or plan sponsor (and participants and beneficiaries covered under such coverage) in a plan under a different product offered by such issuer in which the individuals are eligible to enroll. As such, the requirements to provide an SBC in connection with an automatic renewal or reissuance of coverage apply and the SBC generally is required to be provided no later than 30 days prior to the first day of the new policy or benefit year. An issuer is not prohibited from providing the SBC earlier than 30 days prior to the new policy or benefit year, and when possible issuers are encouraged to provide SBCs by the first day of the open enrollment period to allow individuals enough time to

consider their coverage options available with respect to the upcoming policy or benefit year. If an issuer does provide the SBC earlier than 30 days prior to the new plan or policy year, and there are no changes to the information reflected in the SBC prior to the first day of the new plan or policy year, the issuer will have satisfied the requirement to provide the renewal SBC.

Comment: Some commenters were concerned that the implementation of § 156.1255(a), which requires the inclusion of premium and advance payments of the premium tax credit information, would not provide useful information to the enrollee. Specifically, commenters noted that the advance payments of the premium tax credit information could reflect the enrollee's 2014 advance payment of the premium tax credit while the premium information could reflect 2015 benefit year costs. The commenters also suggested that if updated information regarding the household size and income was not available, the Exchange should either perform outreach encouraging the enrollee to obtain an updated eligibility determination or the Exchange should provide advance payment of the premium tax credit information reflecting the second lowest-cost silver plan for that Exchange and enrollee-type.

Response: We agree that it is important to provide enrollees with information that will help them make informed decisions about their coverage for the upcoming benefit year. As part of that process, and as discussed in the guidance issued alongside the July 1, 2014 Annual Eligibility Redeterminations proposed rule, the FFE will encourage enrollees to return to the Exchange to update their application information and obtain an eligibility determination that will account for updated FPL thresholds, household size, and income, as all Exchanges must require enrollees to report changes with respect to eligibility standards.

In the proposed rule, § 156.1255(a) would have required QHP issuers to provide the premium and premium tax credit information for the enrollee's 2015 plan. In the final rule, we retain this requirement but clarify that issuers must provide advance payment of the premium tax credit information by adding the phrase ''advance payment of the'' before ''premium tax credit information[.]''

Comment: We received comments regarding providing specific notice messages for re-enrollment options for American Indians and Alaskan Natives (AI/ANs). For example, cost-sharing reductions for these enrollees is implemented differently from how it is implemented for other enrollees, and the information described in § 156.1255(d) may not be applicable for these enrollees, who may need a more targeted explanation.

Response: We understand the concern that AI/ANs receive the appropriate messaging regarding requirements specific to their coverage. We have revised § 156.1255(d) by adding a clarification that in accordance with § 155.305(g)(1)(ii), cost-sharing reductions are only available to an individual who is not an Indian if he or she is enrolled in a silver-level QHP. This reflects that AI/ANs can continue to enroll or renew in a zero or limited cost-sharing plan at any metal level and still qualify for cost-sharing reductions. The FFE will continue to provide education and outreach to AI/ANs regarding the cost-sharing reductions that may be available to them at any metal level. We also are making a technical edit to remove the word ''with'' from § 156.1255(d) and replace it with ''being provided[.]''

Final Rule Action: We are finalizing the provisions proposed in § 156.1255 with minor modifications. We are replacing the phrase ''discontinuing a product'' with ''nonrenewing coverage'' to clarify that the additional notice content required by § 156.1255 will be included in notices required to be provided not only when issuers discontinue a product, but also when issuers nonrenew coverage based on enrollees' movement outside the service area, as set forth in § 147.106(b)(5) of this final rule and discussed in more detail in section II.B of this preamble. We are also adding a cross-reference to § 147.106(b)(5), accordingly. We are adding the phrase ''advance payment of the'' before ''premium tax credit information'' in § 156.1255(a). We clarified the reference to § 155.305(g)(1)(ii) by adding ''of this subchapter'' after the citation. Finally, we are removing the word ''with'' from § 156.1255(d) and replacing it with ''being provided[.]''

III. Collection of Information Requirements

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (PRA), we have also submitted to the Office of Management and Budget (OMB) the final information collection request for emergency approval review for a 180-day period. While the collection is necessary to ensure compliance with an initiative of the Administration, we are requesting emergency review under 5 CFR 1320.13(a)(2)(i) because public harm is reasonably likely to result if the regular clearance procedures are followed.

In the July 1, 2014 Annual Eligibility Redeterminations proposed rule (79 FR 37262), we solicited public comments on each of the sections identified as containing information collection requirements (ICRs), as required by section 3506(c)(2)(A) of the PRA. We received several comments on the notice requirements, which have been addressed earlier in the preamble. We generally used data from the Bureau of Labor Statistics to derive average labor costs (including fringe benefits) for estimating the burden associated with the ICRs.

The approval of this data collection process is essential to ensuring that renewal and discontinuance notices associated with the 2015 benefit year are provided to consumers in a timely manner prior to the open enrollment period for the 2015 benefit year. Consumers will need the information in these notices in order to make decisions regarding their coverage for the 2015 benefit year.

ICRs Regarding Renewal and Re-enrollment Notice Requirements (§ 156.1255)

As specified in § 156.1255, a health insurance issuer that is renewing an enrollment group's coverage in the individual market in a QHP offered through the Exchange (including a renewal with modifications), in accordance with § 147.106, or that is discontinuing a product and automatically enrolling an enrollee in a QHP under a different product offered by the same QHP issuer through the Exchange, in accordance with § 155.335, must include certain information in the written notice required by § 147.106(b)(5), (c)(1), or (f)(1), as applicable. Contemporaneously with the issuance of this final rule, we are issuing a bulletin specifying the form and manner of the notices by providing standard notices that issuers generally will use when discontinuing or renewing coverage in the individual market.

Since there are existing requirements for issuers to send renewal and discontinuance notices, we only estimate the burden for QHP issuers to revise current notices to comply with the provisions of this final rule. We

estimate that there are 575 QHP issuers and assume that they would all revise their existing notices to comply with the requirements in this final rule.

For renewal notices, we estimate that, for each issuer, it will require three hours of clerical labor (at a cost of $33.67 per hour) to prepare the notice and one hour for a senior manager (at a cost of $75.34 per hour) to review it. We also estimate that it will take a computer programmer 20 hours (at a cost of $52.53 per hour) to write and test a program to automate the notices. The total burden for each issuer to prepare the notice will be 24 hours with an equivalent cost of approximately $1,277. For all 575 QHP issuers, the total burden will be 13,800 hours with an equivalent cost of approximately $705,479.

For re-enrollment (or nonrenewal) notices, we estimate that, for each issuer, it will require two hours of clerical labor (at a cost of $33.67 per hour) to prepare the notice and one hour for a senior manager (at a cost of $75.34 per hour) to review the notice. We also estimate that it will take a computer programmer six hours (at a cost of $52.53 per hour) to write and test a program to automate the notices. The total annual burden for each issuer to prepare the notice will be nine hours with an equivalent cost of approximately $492. For all 575 QHP issuers, the total annual burden will be 5,175 hours with an equivalent cost of approximately $263,265. These burden estimates are lower than those in the proposed rule, because we assume that simplifications made to the form of the nonrenewal notices to reduce variable text will reduce clerical and computer programming hours by approximately one third.

The accompanying bulletin ''Form and Manner of Notices When Discontinuing or Renewing a Product in the Group or Individual Market'' provides that states that are enforcing the Affordable Care Act may develop their own standard notices, provided the State-developed notices are at least as protective as the Federal standard notices. However, we anticipate that fewer than 10 states would opt for this alternative. Under 5 CFR 1320.3(c)(4), this requirement is not subject to the PRA as it would affect fewer than 10 entities in a 12-month period.

We have submitted an information collection request to OMB for review and approval of the ICRs contained in this final rule. The requirements are not effective until approved by OMB and assigned a valid OMB control number.

IV. Regulatory Impact Statement

A. Summary

We are publishing this final rule to implement the protections intended by the Congress in the most economically efficient manner possible. We have examined the effects of this rule as required by Executive Order 13563 (76 FR 3821, January 21, 2011), Executive Order 12866 (58 FR 51735, September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), Executive Order 13132 on Federalism, and the Congressional Review Act (5 U.S.C. 804(2)).

B. Executive Orders 12866 and 13563

Executive Order 12866 (58 FR 51735) 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). Executive Order 13563 (76 FR 3821, January 21, 2011) is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in Executive Order 12866.

Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule—(1) having an annual effect on the economy of $100 million or more in any one year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for rules with economically significant effects (for example, $100 million or more in any 1 year), and a ''significant'' regulatory action is subject to review by the OMB. We have concluded that this final rule is not likely to have economic impacts of $100 million or more in any one year, and therefore does not meet the definition of ''economically significant rule'' under Executive Order 12866.

1. Need for Regulatory Action

This final rule specifies additional options for annual eligibility redeterminations, and renewal and re-enrollment notice requirements for QHPs in the Exchange beginning with annual redeterminations for coverage for benefit year 2015.

2. Summary of Impacts

We do not expect that there will be additional costs related to the additional options provided in this final rule for annual eligibility redeterminations, because we believe Exchanges will implement an alternative method only if doing so is less costly than the current method.

QHP issuers will incur costs to prepare and send renewal notices to comply with the final provisions, as detailed in section III of this final rule. States that choose to develop their own notices will incur costs to do so. Providing consumers with information such as benefit changes and premium amounts will enable them to make decisions regarding their coverage for the next benefit year.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires agencies that issue a regulation to analyze options for regulatory relief of small businesses if a rule has a significant impact on a substantial number of small entities. The RFA generally defines a ''small entity'' as: (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000 (states and individuals are not included in the definition of ''small entity''). HHS uses as its measure of significant economic impact on a substantial number of small entities a change in revenues of more than 3 to 5 percent. We do not believe that this threshold will be reached by the provisions of this final rule.

D. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that includes a federal mandate that could result in expenditure in any one year by State, local or tribal governments, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation.

In 2014, that threshold level is approximately $141 million.

UMRA does not address the total cost of a rule. Rather, it focuses on certain categories of cost, mainly those ''Federal mandate'' costs resulting from: (1) Imposing enforceable duties on State, local, or tribal governments, or on the private sector; or (2) increasing the stringency of conditions in, or decreasing the funding of, State, local, or tribal governments under entitlement programs.

This final rule will allow Exchanges to choose one of three methods for conducting annual eligibility redeterminations. We assume that Exchanges will choose an alternative method only if it is less costly than the current method. It will also require QHP issuers to include specific information in renewal and nonrenewal notices sent to enrollees and issuers will incur costs to comply with this requirement. States that choose to develop their own notices will incur costs to do so. Consistent with policy embodied in UMRA, this final rule has been designed to be the least burdensome alternative for State, local and tribal governments, and the private sector while achieving the objectives of the Affordable Care Act.

E. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications.

States are the primary regulators of health insurance coverage, and State laws will continue to apply to health insurance coverage and the business of insurance. However, if any State law or requirement prevents the application of a Federal standard, then that particular State law or requirement will be preempted. State requirements that are more stringent than the Federal requirements will not be preempted by this final rule. Accordingly, states have significant latitude to impose requirements with respect to health insurance coverage that are more restrictive than the Federal law.

F. Congressional Review Act

This final rule is subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801, et seq.), which specifies that before a rule can take effect, the federal agency promulgating the rule shall submit to each House of the Congress and to the Comptroller General a report containing a copy of the rule along with other specified information. This final rule will be transmitted to Congress and the Comptroller General in accordance with such provisions.

List of Subjects

45 CFR Part 146

Health care, Health insurance, Reporting and recordkeeping requirements.

45 CFR Part 147

Health care, Health insurance, Reporting and recordkeeping requirements, State regulation of health insurance.

45 CFR Part 148

Administrative practice and procedure, Health care, Health insurance, Penalties, Reporting and recordkeeping requirements.

45 CFR Part 155

Administration and calculation of advance payments of the premium tax credit, Administrative practice and procedure, Advance payments of premium tax credit, Cost-sharing reductions, Health care access, Health insurance, Reporting and recordkeeping requirements, State and local governments.

45 CFR Part 156

Administrative practice and procedure, Health care, Health insurance, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department of Health and Human Services amends 45 CFR parts 146, 147, 148, 155, and 156 as set forth below:

PART 146—REQUIREMENTS FOR THE GROUP HEALTH INSURANCE MARKET

■ 1. The authority citation for part 146 continues to read as follows:

Authority: Secs. 2702 through 2705, 2711 through 2723, 2791, and 2792 of the PHS Act (42 U.S.C. 300gg–1 through 300gg–5, 300gg–11 through 300gg–23, 300gg–91, and 300gg–92).

■ 2. Section 146.152 is amended by revising paragraph (b)(5) to read as follows:

§ 146.152 Guaranteed renewability of coverage for employers in the group market.

* * * * *

(b) * * *

(5) *Enrollees' movement outside service area.* For network plans, there is no longer any enrollee under the group health plan who lives, resides, or works in the service area of the issuer (or in the area for which the issuer is authorized to do business); and in the case of the small group market, the issuer applies the same criteria it would apply in denying enrollment in the plan under § 146.150(c); provided the issuer provides notice in accordance with the requirements of paragraph (c)(1) of this section.

* * * * *

PART 147—HEALTH INSURANCE REFORM REQUIREMENTS FOR THE GROUP AND INDIVIDUAL HEALTH INSURANCE MARKETS

■ 3. The authority citation for part 147 continues to read as follows:

Authority: Secs. 2701 through 2763, 2791, and 2792 of the Public Health Service Act (42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92), as amended.

■ 4. Section 147.106 is amended by revising paragraph (b)(5) to read as follows:

§ 147.106 Guaranteed renewability of coverage.

* * * * *

(b) * * *

(5) *Enrollees' movement outside service area.* For network plans, there is no longer any enrollee under the plan who lives, resides, or works in the service area of the issuer (or in the area for which the issuer is authorized to do business); and in the case of the small group market, the issuer applies the same criteria it would apply in denying enrollment in the plan under § 147.104(c)(1)(i); provided the issuer provides notice in accordance with the requirements of paragraph (c)(1) of this section.

* * * * *

PART 148—REQUIREMENTS FOR THE INDIVIDUAL HEALTH INSURANCE MARKET

■ 5. The authority citation for part 148 continues to reads as follows:

Authority: Secs. 2701 through 2763, 2791, and 2792 of the Public Health Service Act (42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92), as amended.

■ 6. Section 148.122 is amended by revising paragraph (c)(4) to read as follows:

§ 148.122 Guaranteed renewability of individual health insurance coverage.

* * * * *

(c) * * *

(4) *Movement outside the service area.* For network plans, the individual no longer resides, lives, or works in the service area of the issuer, or area for which the issuer is authorized to do

business, but only if coverage is terminated uniformly without regard to any health status-related factor of covered individuals; provided the issuer provides notice in accordance with the requirements of paragraph (d)(1) of this section.

* * * * *

PART 155—EXCHANGE ESTABLISHMENT STANDARDS AND OTHER RELATED STANDARDS UNDER THE AFFORDABLE CARE ACT

■ 7. The authority citation for part 155 continues to read as follows:

Authority: Title I of the Affordable Care Act, sections 1301, 1302, 1303, 1304, 1311, 1312, 1313, 1321, 1322, 1331, 1332, 1334, 1402, 1411, 1412, 1413, Pub. L. 111–148, 124 Stat. 119 (42 U.S.C. 18021–18024, 18031–18033, 18041–18042, 18051, 18054, 18071, and 18081–18083).

■ 8. Section 155.330 is amended by revising paragraph (b)(4) to read as follows:

§ 155.330 Eligibility redetermination during a benefit year.

* * * * *

(b) * * *

(4) The Exchange must allow an enrollee, or an application filer on behalf of the enrollee, to report changes via the channels available for the submission of an application, as described in § 155.405(c)(2), except that the Exchange is permitted but not required to allow an enrollee, or an application filer, on behalf of the enrollee, to report changes via mail.

* * * * *

■ 9. Section 155.335 is amended by revising paragraphs (a), (e), and (j) to read as follows:

§ 155.335 Annual eligibility redetermination.

(a) *General requirement.* (1) Except as specified in paragraphs (l) and (m) of this section, the Exchange must redetermine the eligibility of a qualified individual on an annual basis.

(2) The Exchange must conduct annual redeterminations required under paragraph (a)(1) of this section using one of the following:

(i) The procedures described in paragraphs (b) through (m) of this section;

(ii) Alternative procedures specified by the Secretary for the applicable benefit year; or

(iii) Alternative procedures approved by the Secretary based on a showing by the Exchange that the alternative procedures would facilitate continued enrollment in coverage for which the enrollee remains eligible, provide clear information about the process to the qualified individual or enrollee (including regarding any action by the qualified individual or enrollee necessary to obtain the most accurate redetermination of eligibility), and provide adequate program integrity protections.

* * * * *

(e) *Changes reported by qualified individuals.* Except as specified in paragraph (e)(1) of this section, the Exchange must require a qualified individual to report any change with respect to the eligibility standards specified in § 155.305 within 30 days of such change.

(1) The Exchange must not require a qualified individual who did not request an eligibility determination for insurance affordability programs to report changes that affect eligibility for insurance affordability programs.

(2) The Exchange must allow a qualified individual, or an application filer, on behalf of the qualified individual, to report changes via the channels available for the submission of an application, as described in § 155.405(c)(2), except that the Exchange is permitted but not required to allow a qualified individual, or an application filer, on behalf of the qualified individual, to report changes via mail.

* * * * *

(j) *Re-enrollment.* If an enrollee remains eligible for enrollment in a QHP through the Exchange upon annual redetermination—

(1) And the product under which the QHP in which he or she is enrolled remains available through the Exchange for renewal, consistent with § 147.106 of this subchapter, such enrollee will have his or her enrollment through the Exchange in a QHP under that product renewed, unless he or she terminates coverage, including termination of coverage in connection with voluntarily selecting a different QHP, in accordance with § 155.430. The Exchange will ensure that re-enrollment in coverage under this paragraph (j)(1) occurs under the same product in which the enrollee was enrolled, as follows:

(i) The enrollee's coverage will be renewed in the same plan as the enrollee's current QHP, unless the current QHP is not available.

(ii) If the enrollee's current QHP is not available, the enrollee's coverage will be renewed in a plan at the same metal level as the enrollee's current QHP.

(iii) If the enrollee's current QHP is not available and the enrollee's product no longer includes a plan at the same metal level as the enrollee's current QHP, the enrollee's coverage will be renewed in a plan that is one metal level higher or lower than the enrollee's current QHP; or

(iv) If the enrollee's current QHP is not available and the enrollee's product no longer includes a plan that is at the same metal level as, or one metal level higher or lower than the enrollee's current QHP, the enrollee's coverage will be renewed in any other plan offered under the product in which the enrollee's current QHP is offered in which the enrollee is eligible to enroll.

(2) And the product under which the QHP in which he or she is enrolled is not available through the Exchange for renewal, consistent with § 147.106 of this subchapter, such enrollee may be enrolled in a plan under a different product offered by the same QHP issuer, to the extent permitted by applicable State law, unless he or she terminates coverage, including termination of coverage in connection with voluntarily selecting a different QHP, in accordance with § 155.430. The Exchange will ensure that re-enrollment in coverage under this paragraph (j)(2) occurs as follows:

(i) The enrollee will be re-enrolled in a plan through the Exchange at the same metal level as the enrollee's current QHP in the product offered by the same issuer that is the most similar to the enrollee's current product;

(ii) If the issuer does not offer another plan through the Exchange at the same metal level as the enrollee's current QHP, the enrollee will be re-enrolled in a plan through the Exchange that is one metal level higher or lower than the enrollee's current QHP in the product offered by the same issuer through the Exchange that is the most similar to the enrollee's current product; or

(iii) If the issuer does not offer another plan through the Exchange at the same metal level as, or one metal level higher or lower than the enrollee's current QHP, the enrollee will be re-enrolled in any other plan offered through the Exchange by the same issuer in which the enrollee is eligible to enroll.

* * * * *

PART 156—HEALTH INSURANCE ISSUER STANDARDS UNDER THE AFFORDABLE CARE ACT, INCLUDING STANDARDS RELATED TO EXCHANGES

■ 10. The authority citation for part 156 continues to read as follows:

Authority: Title I of the Affordable Care Act, sections 1301–1304, 1311–1313, 1321–1322, 1324, 1334, 1342–1343, 1401–1402, Pub. L. 111–148, 124 Stat. 119 (42 U.S.C. 18021–18024, 18031–18032, 18041–18042,

18044, 18054, 18061, 18063, 18071, 18082, 26 U.S.C. 36B, and 31 U.S.C. 9701).

■ 11. Add § 156.1255 to read as follows:

§ 156.1255 Renewal and re-enrollment notices.

A health insurance issuer that is renewing an enrollment group's coverage in an individual market QHP offered through the Exchange (including a renewal with modifications) in accordance with § 147.106 of this subchapter, or that is nonrenewing coverage offered through the Exchange and automatically enrolling an enrollee in a QHP under a different product offered by the same QHP issuer through the Exchange in accordance with § 155.335 of this subchapter, must include the following information in the applicable notice described in § 147.106(b)(5), (c)(1), or (f)(1) of this subchapter:

(a) Premium and advance payment of the premium tax credit information sufficient to notify the enrollment group of its expected monthly premium payment under the renewed coverage, in a form and manner specified by the Exchange, provided that if the Exchange does not provide this information to enrollees and does not require issuers to provide this information to enrollees, consistent with this section, such information must be provided in a form and manner specified by HHS;

(b) An explanation of the requirement to report changes to the Exchange, as specified in § 155.335(e) of this subchapter, the timeframe and channels through which changes can be reported, and the implications of not reporting changes;

(c) For an enrollment group that includes an enrollee on whose behalf advance payments of the premium tax credit are being provided, an explanation of the reconciliation process for advance payments of the premium tax credit established in accordance with 26 CFR 1.36B–4; and

(d) For an enrollment group that includes an enrollee being provided cost-sharing reductions, but for whom no QHP under the product remains available for renewal at the silver level, an explanation that in accordance with § 155.305(g)(1)(ii) of this subchapter, cost-sharing reductions are only available to an individual who is not an Indian if he or she is enrolled in a silver-level QHP.

Dated: August 15, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: August 27, 2014.

Sylvia M. Burwell,

Secretary.

[FR Doc. 2014–21178 Filed 9–2–14; 4:15 pm]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 04–319, RM–10984, DA 14–1198]

Radio Broadcasting Services; Clinchco, Virginia; Coal Run, Kentucky

AGENCY: Federal Communications Commission.

ACTION: Final rule; application for review.

SUMMARY: The Audio Division grants a settlement request filed by Dickenson County Broadcasting Corporation (''Dickenson County''), licensee of Station WDIC–FM, Clinchco, Virginia, and East Kentucky Broadcasting Corporation (''East Kentucky''), licensee of Station WPKE–FM, Coal Run, Kentucky. The staff dismisses Dickenson County's Application for Review with prejudice and returns Stations WDIC–FM and WPKE–FM to the channels that they occupied before this proceeding commenced. *See also* Supplementary Information.

DATES: September 5, 2014.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MB Docket No. 04–319; DA 14–1198, adopted August 14, 2014, and released August 15, 2014. The full text of this Commission decision 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. The complete text of this decision 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 20054, telephone 1–800–378–3160 or *www.BCPIWEB.com.*

The *Reconsideration Decision* in this proceeding reinstated and granted a Petition for Rule Making filed by East Kentucky, upgrading its Station WPKE–FM, Coal Run, from Channel 276A to Channel 221C3 at a new transmitter site. To accommodate the Station WPKE–FM upgrade, the *Reconsideration Decision* involuntarily modified the license for Dickenson County's Station WDIC–FM, Clinchco, to specify operation on Channel 276A in lieu of Channel 221A. *See* 76 FR 44279, July 25, 2011. Dickenson had filed an Application for Review of the *Reconsideration Decision.*

The staff finds that the settlement would serve the public interest because it would resolve a proceeding that has been pending for ten years. The staff also finds that the settlement complies with § 1.420(j) of the Commission's rules.

In order to implement the settlement, the staff modifies the Media Bureau's Consolidated Data Base System to reflect as the reserved assignments for the listed stations: (1) Channel 276A in lieu of Channel 221C3 at Coal Run, Kentucky, for Station WPKE–FM, and (2) Channel 221A in lieu of Channel 276A at Clinchco, Virginia, for Station WDIC–FM. The staff also rescinded the *Reconsideration Decision.* Finally, as part of this settlement, the staff concurrently approves the dismissal of Dickenson County's Petition to Deny directed against the WPKE–FM license renewal application and East Kentucky's objection to the WDIC–FM license renewal application.

The Commission will not send a copy of the Memorandum Opinion and Order pursuant to the Congressional Review Act, *see* 5 U.S. C. 801(a)(1)(A), because the Commission is not adopting any rules in the proceeding.

Federal Communications Commission.

Peter H. Doyle,

Chief, Audio Division, Media Bureau.

[FR Doc. 2014–21127 Filed 9–4–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004515–3608–02]

RIN 0648–XD478

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Closure of the 2014 South Atlantic Commercial Sector for Red Snapper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces the closure of the 2014 commercial fishing season for red snapper in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. Commercial landings for red snapper, as estimated by the Science and Research Director (SRD), are projected to reach the commercial annual catch limit (ACL) for red snapper by September 9, 2014. Therefore, NMFS closes the commercial sector for red snapper in the South Atlantic EEZ on September 9, 2014. This closure is necessary to protect the South Atlantic red snapper resource.

DATES: This closure is effective 12:01 a.m., local time, September 9, 2014, until further notice, which NMFS will publish a document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727–824–5305, email: *Catherine.Hayslip@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic, which includes red snapper, is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The 2014 commercial ACL for red snapper in the South Atlantic is 50,994 lb (23,130 kg), gutted weight. This ACL was determined using formulas contained in the final rule to implement Amendment 28 to the FMP (78 FR 44461, July 24, 2013).

Under 50 CFR 622.193(y)(1), NMFS is required to close the commercial sector for red snapper when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS opened the 2014 commercial sector at 12:01 a.m., local time, July 14, 2014, and monitored commercial harvest in-season. NMFS has determined that the commercial ACL for South Atlantic red snapper will have been reached by September 9, 2014. Accordingly, the commercial sector for South Atlantic red snapper is closed effective 12:01 a.m., local time, September 9, 2014, and remains closed until NMFS determines when a commercial season for red snapper may occur.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having red snapper onboard must have landed and bartered, traded, or sold such red snapper prior to 12:01 a.m., local time, September 9, 2014. During the closure, the harvest and possession and sale and purchase of red snapper in or from the South Atlantic EEZ are prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of red snapper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, September 9, 2014, and were held in cold storage by a dealer or processor.

For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the sale and purchase provisions for commercial red snapper would apply regardless of whether the fish were harvested in state or Federal waters, as specified in 50 CFR 622.190(y)(1). Additionally, the recreational fishing season for red snapper is closed.

In 2015, the total removals (landings and dead discards) for 2014 will be compared to the 2014 acceptable biological catch (ABC) to determine if the 2014 ABC was exceeded and thus whether limited commercial and recreational fishing seasons for red snapper can occur in 2015. If NMFS determines that limited commercial and recreational red snapper seasons can occur in 2015, NMFS will file a notification with the Office of the Federal Register to announce the opening dates of any commercial and recreational fishing seasons in 2015. A commercial fishing season would begin on the second Monday in July, and a recreational fishing season, consisting of weekends only (Fridays, Saturdays, and Sundays) would begin on the second Friday in July.

Classification

The Regional Administrator, Southeast Region, NMFS has determined this temporary rule is necessary for the conservation and management of South Atlantic red snapper and is consistent with the FMP, the Magnuson-Stevens Act, and other applicable laws.

This action is taken under 50 CFR 622.193(y)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and public comment.

This action responds to the best available scientific information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the commercial sector for red snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect red snapper since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: August 29, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–21089 Filed 8–29–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 172
Friday, September 5, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 145

[AC 120–66C]

Advisory Circular for Aviation Safety Action Program (ASAP)

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

ACTION: Notice of availability of proposed revision to Advisory Circular for Aviation Safety Action Program (ASAP), request for comment.

SUMMARY: The Federal Aviation Administration (FAA) is announcing the availability of proposed Advisory Circular (AC) 120–66C. AC 120–66C provides guidance for establishing an air transportation Aviation Safety Action Program (ASAP).

DATES: Written comments must be received on or before November 4, 2014.

ADDRESSES: Send comments identified by AC 120–66C using any of the following methods:

- Aviation Safety Draft Document Open for Comment Web site: Go to *http://www.faa.gov/aircraft/draft_docs/afs_ac/* and follow the online instructions for sending your comments electronically.
- Mail: Send comments to 1625 K Street NW., Suite 300, Washington, DC 20006.
- Fax: Fax comments to 202–223–4615. Attn: Laura L. Miller.
- Hand Delivery: Bring comments to 1625 K Street NW., Suite 300, Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays

FOR FURTHER INFORMATION CONTACT: Randy McDonald, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8166; facsimile: 202–267–5229; email: *randy.mcdonald@faa.gov*.

Background

The primary goal of this proposed AC revision is to clarify FAA policy, facilitate achievement of an ASAP's safety goals, and encourage wider participation in the program. The objective of an ASAP is to encourage employees of certificate holders or other operators to voluntarily report safety information that may be critical to identifying potential precursors to accidents. The FAA has determined that identifying these precursors is essential to further reducing the already low accident rate. The ASAP provides for the collection, analysis, and retention of the safety data that is obtained through the reporting process. ASAP participants use ASAP safety data, much of which would otherwise be unobtainable, to develop corrective actions for identified safety concerns, and to educate the appropriate parties to prevent a recurrence of the same type of safety event.

The agency will consider all comments received by November 4, 2014. Comments received after that date may be considered if consideration will not delay agency action on the review. A copy of the advisory circular is available for review at *http://www.faa.gov/aircraft/draft_docs/afs_ac/*.

Issued in Washington, DC, on August 29, 2014.

John Barbagallo,

Director, Flight Standards Service.

[FR Doc. 2014–21094 Filed 9–4–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2014–0563; FRL–9916–19–OAR]

Notice of Final Action on Petition From Sierra Club To Redesignate Newly Violating Ozone Areas as Nonattainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Action Denying Petition.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is providing notice that it has responded to a petition from the Sierra Club that requests the EPA to redesignate as nonattainment 57 areas with 2012 design values violating the 2008 national ambient air quality standards (NAAQS) for ozone. The petition also requests that the EPA set specific boundaries for the areas. The EPA Administrator denied the petition in letters to the signatories of the petition dated August 14, 2014. The letters explain the EPA's reasons for the denial and are available in the rulemaking docket.

DATES: The EPA's response to this petition was signed on August 15, 2014. Any petitions for review of the final letters denying the petition to redesignate 57 areas to nonattainment for the 2008 ozone NAAQS must be filed in the Court of Appeals for the District of Columbia Circuit on or before November 4, 2014.

FOR FURTHER INFORMATION CONTACT: Carla Oldham, Office of Air Quality Planning and Standards (C539–04), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–3347; email address: *oldham.carla@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. How can I get copies of this document and other related information?

This **Federal Register** notice, the petition, and the letters denying the petition are available in the docket that the EPA has established under Docket ID No. EPA–HQ–OAR–2014–0563. The table below identifies the petitioner, the date of the petition, the document identification number for the petition, the date of the EPA's response, and the document identification number for the EPA's response.

Petitioner	Date of petition to EPA	Petition: Document ID No. in docket	Date of EPA response	EPA response: Document ID No. in docket
Sierra Club	11/14/2013	−0002	8/14/2014	−0003 and −0004

Note: The document ID numbers listed in the table are in the form of ''EPA–HQ–OAR–2014–0563–XXXX.''

All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, i.e., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Docket Center, Docket ID No. EPA–HQ–OAR–2014–0563, EPA William Jefferson Clinton West Building, Room 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 EPA Docket Center is (202) 566–1742.

II. Judicial Review

Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) when the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

The EPA has determined that its action denying the petition to redesignate 57 areas to nonattainment for the 2008 ozone NAAQS is of nationwide scope and effect because this action addresses areas across the country. This is particularly appropriate because, in the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator's determination that an action is of ''nationwide scope or effect'' would be appropriate for any action that has a scope or effect beyond a single judicial circuit. H.R. Rep. No. 95–294 at 323, 324, *reprinted* in 1977 U.S.C.C.A.N. 1402–03. Here, the scope and effect of this final action extends to numerous judicial circuits across the country. In these circumstances, section 307(b)(1) and its legislative history calls for the Administrator to find the rule to be of ''nationwide scope or effect'' and for venue to be in the DC Circuit.

Thus, any petitions for review of the final letters denying the petition to redesignate 57 areas to nonattainment for the 2008 ozone NAAQS must be filed in the Court of Appeals for the District of Columbia Circuit on or before November 4, 2014.

Dated: August 15, 2014.

Janet McCabe,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2014–21075 Filed 9–4–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0008; FRL–9914–98]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before October 6, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.,* Lois Rossi, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov*. The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

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).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerances

1. *PP 2E8098.* (EPA–HQ–OPP–2014–0303). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide, bicyclopyrone: 4-hydroxy-3-(2-[(2-methoxyethoxy) methyl)-6-(trifluoromethyl)-3-pyridylcarbonyl) bicyclo [3.2.1]oct-3-en-2-one.], in or on sugarcane, stalks at 0.01 parts per million (ppm). The Direct Analysis and Common Moiety Method were used to measure and evaluate the chemical bicyclopyrone. (RD)

2. *PP 3F8205.* (EPA–HQ–OPP–2013–0758). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-*N*-nitro-4*H*-1,3,5-oxadiazin-4-imine) and its metabolite[*N*-(2-chloro-thiazol-5-ylmethyl)-*N'*-methyl-*N'*-nitro-guanidine, in or on alfalfa, seed at 1 parts per million (ppm); buckwheat, grain at 0.9 ppm; corn, field, grain at 0.03 ppm; corn, pop, forage at 0.10 ppm; corn, pop, stover at 0.05 ppm; millet, pearl, forage at 0.02 ppm; millet, pearl, stover at 0.02 ppm; millet, proso, forage at 0.02 ppm; millet, proso, stover at 0.02 ppm; millet, proso, straw at 0.02 ppm; oat, grain at 0.9 ppm; rice, straw at 2 ppm; rice, grain at 6 ppm; rye, grain at 0.9 ppm; sorghum, forage at 0.02 ppm; sorghum, grain, stover at 0.02 ppm; soybean at 0.02 ppm; sunflower, seed at 0.4 ppm; teosinte at 0.02 ppm; triticale, grain at 0.9ppm; vegetable, legume, subgroup 6A at 0.9 ppm; vegetable, legume, subgroup 6B at 0.5 ppm; vegetable, legume, subgroup 6C at 0.2 ppm; vegetable, foliage of legume, subgroup 7A at 4 ppm; wheat, grain at 0.5 ppm; wheat, aspirated grain fraction at 2.5 ppm; wheat, bran at 0.5 ppm; wheat, germ at 0.5 ppm; wild rice at 0.02 ppm. Syngenta Crop Protection, LLC., has submitted practical analytical methodology for detecting and measuring levels of thiamethoxam in or on raw agricultural commodities. This method is based on crop specific cleanup procedures and determination by liquid chromatography with either ultraviolet ray (UV) or MS detections. The limit of detection (LOC) for each analyte of this method is 1.25 nanogram (ng) injected for samples analyzed by UV and 0.25 ng injected for samples analyzed by MS, and the limit quantification (LOQ) is 0.005 ppm for milk and juices; 0.01 ppm for all other substrates. (RD)

3. *PP 3F8225.* (EPA–HQ–OPP–2014–0355). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide, bicyclopyrone: 4-hydroxy-3-(2-[(2-methoxyethoxy) methyl)-6-(trifluoromethyl)-3-pyridylcarbonyl) bicyclo [3.2.1]oct-3-en-2-one in or on field corn, forage at 0.4 parts per million (ppm); field corn, grain, at 0.02 ppm; field corn, stover at 0.5 ppm; popcorn,

grain, at 0.02 ppm, popcorn, stover at 0.5 ppm; sweet corn, forage at 0.40 ppm; sweet corn, ears at 0.04 ppm; sweet corn, stover at 0.50 ppm; and cattle liver at 0.06 ppm. An analytical method of liquid chromatography with tandem mass spectroscopy detection method (LC–MS/MC) was used to measure and evaluate the chemical bicyclopyrone. (RD)

4. *PP 4E8236.* (EPA–HQ–OPP–2014–0134). Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of streptomycin in or on grapefruit at 0.15 parts per million (ppm); grapefruit, dried pulp at 0.63 ppm; and fruit, pome, group 11–10 at 0.25 ppm; a laboratory working method based on USDA Food Safety and Inspection Service SOP No: CLG–AMG1.02, ''Confirmation of Aminoglycosides by HPLC–MS/MS'' is available. Modifications were made to improve the performance of the method for the various crop fractions. (RD)

5. *PP 4E8273.* (EPA–HQ–OPP–2014–0506). Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide cyprodinil, 4-cyclopropyl-6-methyl-*N*-phenyl-2-pyrimidinamine, in or on artichoke, globe at 4.0 parts per million (ppm); acerola at 1.5 ppm; feijoa at 1.5 ppm; guava at 1.5 ppm; jaboticaba at 1.5 ppm; passionfruit at 1.5 ppm; starfruit at 1.5 ppm; wax jambu at 1.5 ppm; fruit, stone group 12–12 at 2.0 ppm; and pomegranate at 7.0 ppm. The Syngenta Crop Protection Method AG–631B is used to measure and evaluate the chemical cyprodinil. (RD)

6. *PP 4E8274.* (EPA–HQ–OPP–2014–0470). Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, difenoconazole, 1-[2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1*H*-1,2,4-triazole, in or on ginseng at 0.50 parts per million (ppm); artichoke, globe at 1.5 ppm; fruit, stone, group 12–12 at 2.5 ppm; and nut, tree, group 14–12 at 0.03 ppm. The liquid chromatography tandem mass spectrometry (LC–MS/MS) method is used to measure and evaluate the chemical difenoconazole. (RD)

7. *PP 4F8231.* (EPA–HQ–OPP–2014–0373). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419–8300, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, difenoconazole, in or on pea, and bean, dried shelled, except soybean, subgroup 6C at 0.2 parts per million (ppm); pea, vine at 10 ppm; pea, hay at 40 ppm; and bushberry, subgroup 13–07B at 3.0 ppm. A practical analytical method for detecting and measuring levels of difenoconazole in or on food with a limit of quantitation (LOQ) that allows monitoring of food with residues at or above the levels set in the proposed tolerances. Residues are qualified by liquid chromatography/mass spectrometry (LC–MS/MS). (RD)

8. *PP 3F88189.* (EPA–HQ–OPP–2014–0601). BASF Corporation on behalf of Whitmire Micro-Gen Research Laboratories, Inc., 3568 Tree Court Industrial Blvd., St. Louis, MO 63122–6682, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, Alpha-Cypermethrin, in or on food/feed handling establishments at 0.05 parts per million (ppm). The gas chromatography with electron capture detection or GC/ECD, HPLC–UV and LC/MS/MS methods is used to measure and evaluate the chemical 0.01 mg/kg (LOQ). (RD)

Amended Tolerances

1. *PP 3F8205.* (EPA–HQ–OPP–2013–0758). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419, requests to amend the tolerances in 40 CFR 180.565 for residues of the insecticide, thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-*N*-nitro-4*H*-1,3,5-oxadiazin-4-imine) and its metabolite[*N*-(2-chloro-thiazol-5-ylmethyl)-*N*′-methyl-*N*′-nitro-guanidine, by increasing the existing tolerances in or on alfalfa, forage from 0.05 to 10 parts per million (ppm); alfalfa, hay from 0.12 to 8 ppm; barley, hay from 0.40 to 1.5 ppm; barley, straw from 0.40 to 3 ppm; barley, grain from 0.4 to 0.9 ppm; corn, field, forage from 0.10 to 4 ppm; corn, field, stover from 0.05 to 4 ppm; corn, sweet forage from 0.10 to 5 ppm; corn, sweet, kernel plus cob with husks removed from 0.02 to 0.03 ppm; corn, sweet, stover from 0.05 to 4 ppm; wheat, forage from 0.50 to 3 ppm; wheat, hay from 0.02 to 8 ppm; wheat, straw from 0.02 to 6 ppm. Concurrently, Syngenta Crop Protection, LLC., requests to amend the tolerances in 40 CFR 180.565 by removing tolerances for residues of the insecticide, thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-*N*-nitro-4*H*-1,3,5-oxadiazin-4-imine) in or on grain, cereal, group 15, except barley at 0.02 ppm; sunflower at 0.02 ppm; and vegetable, legume, group 6 at 0.02 ppm, upon approval of the tolerances listed under ''New Tolerances'' for *PP 3F8205.* Syngenta Crop Protection, LLC., has submitted practical analytical methodology for detecting and measuring levels of thiamethoxam in or on raw agricultural commodities. This method is based on crop specific cleanup procedures and determination by liquid chromatography with either ultra-violet (UV) or mass spectrometry (MS) detections. The limit of detection (LOC) for each analyte of this method is 1.25 nanogram (ng) injected for samples analyzed by UV and 0.25 ng injected for samples analyzed by MS, and the limit quantification (LOQ) is 0.005 ppm for milk and juices, and 0.01 ppm for all other substrates. (RD)

2. *PP 4E8236.* (EPA–HQ–OPP–2014–0134). Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to amend the tolerances in 40 CFR 180.245 for residues of the residues of streptomycin as follows: (1) moving the existing tolerances for streptomycin on celery, pepper, and tomato from paragraph (a)(2), and potato from paragraph (a)(3) to the table in (a)(1); (2) modifying the existing tolerance for tomato from 0.25 ppm to 0.5 ppm; (3) removing the existing time limited tolerances for grapefruit and grapefruit, dried pulp in paragraph (b) upon establishment of the permanent tolerances for grapefruit and grapefruit, dried pulp; (4) removing the existing tolerance for fruit, pome, group 11 upon establishment of the tolerance for fruit, pome, group 11–10; and (5) modifying the tolerance expression and creating a single paragraph and table under 180.245 (a) to read as follows: General. Tolerances are established for residues of the fungicide streptomycin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only streptomycin (O-2-Deoxy-2-(methylamino)-a-L-glucopyranosyl-(1-2)-O-5-deoxy-3-C-formyl-a-L-lyxofuranosyl-(1-4)-*N,N*′-bis(aminoiminomethyl)-D-streptamine) in or on the commodity. A laboratory working method based on USDA Food Safety and Inspection Service SOP No: CLG–AMG1.02, ''Confirmation of Aminoglycosides by HPLC–MS/MS'' is available. Modifications were made to improve the performance of the method for the various crop fractions. (RD)

3. *PP 4E8273.* (EPA–HQ–OPP–2014–0506). Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to remove the tolerance in 40 CFR 180.532 for residues of the fungicide, cyprodinil, 4-cyclopropyl-6-methyl-*N*-phenyl-2-pyrimidinamine, in or on fruit, stone, group 12 at 2.0 parts per million (ppm). The Syngenta Crop Protection Method AG–631B is used to

measure and evaluate the chemical cyprodinil. (RD)

4. *PP 4E8274.* (EPA–HQ–OPP–2014–0470). Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to remove the tolerances in 40 CFR 180.475 for residues of the fungicide, difenoconazole, 1-[2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1*H*-1,2,4-triazole, in or on fruit, stone, group 12 at 2.5 parts per million (ppm); nut, tree, group 14 at 0.03 ppm; and pistachio at 0.03 ppm. The liquid chromatography (LC) tandem mass spectrometry (MS)/(MS) method is used to measure and evaluate the chemical difenoconazole. (RD)

5. *PP 4F8262.* (EPA–HQ–OPP–2014–0441). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419–8300, requests to amend the tolerance in 40 CFR part 180 for residues of the herbicide, fluazifop-p-butyl in or on sweet potato roots from 0.05 parts per million (ppm); to 1.5 ppm. The PAM Vol. II, Method II is used to measure and evaluate the chemical fluazifop-p-butyl. (RD)

6. *PP 4F8279.* (EPA–HQ–OPP–2014–0489). Dow AgroSciences, LLC., 9330 Zionsville Road, Indianapolis, IN 46268–1054, requests to amend the tolerances in 40 CFR 180.417 to include residues of the herbicide, triclopyr choline salt as triclopyr, [(3,5,6-trichloro-2-pyridinyl)oxy] acetic acid, including its metabolites and degradates, in or on the raw agricultural commodities listed. An analytical method using electron capture gas chromatography is used to measure and evaluate the chemical triclopyr. (RD)

New Tolerance Exemptions

1. *PP 3E8217.* (EPA–HQ–OPP–2014–0374). Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201W, Princeton, New Jersey 08540, on behalf of BetaTec Hop Products, Inc., 5185 MacArthur Blvd. NW., Suite 300, Washington, DC 20016, requests to establish an exemption from the requirement of a tolerance for residues of the biochemical pesticide potassium salts of hop beta acids, in or on honey and honeycomb. The petitioner believes no analytical method is needed because it is not required for a tolerance exemption. (BPPD)

2. *PP IN–10671.* (EPA–HQ–OPP–2014–0514). BASF, EPA Company Number 71840, 26 Davis Drive, Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance for residues of polyethylene glycol alkyl ether sulfosuccinate disodium salts (CAS Nos. 68954–91–6 and 68815–56–5), for use as an inert ingredient in seed treatment formulations in accordance with 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for the establishment of a tolerance exemption for inert ingredients. (RD)

3. *PP IN–10674.* (EPA–HQ–OPP–2014–0217). Spring Trading Company, 10805 West Timberwagon Circle, Spring, TX 77380–4030, on behalf of Croda, Inc., 315 Cherry Lane, New Castle, DE 19720, requests to establish an exemption from the requirement of a tolerance for residues of the polyoxyalkylated sorbitan fatty acid esters with C_6 through C_{22} aliphatic alkanoic and/or alkenoic fatty acids, branched or linear, the resulting polyoxyalkylene sorbitan esters having a minimum molecular weight of 1,000 (CAS Nos. 81776–11–6, 87090–31–1, 88895–72–1; 1472661–05–4, 161026–53–5, 103171–31–9, 1472661–17–8, 1472668–03–3, 1472655–32–5, 1472663–59–4, 1472663–64–1, 1472663–66–3, 1472663–92–5, 1472654–83–3, 1472644–84–0, 1472644–85–1, 1472644–87–3, 1472644–88–4, 1472644–80–6, 1472644–81–7) when used as a pesticide inert ingredient in pesticide formulations as dispersants, emulsifiers, surfactants, and related adjuvants of surfactants. The petitioner believes no analytical method is needed because it is not required for the establishment of a tolerance exemption for inert ingredients. (RD)

4. *PP IN–10690.* (EPA–HQ–OPP–2014–0467). Spring Trading Company, LLC., 10805 West Timberwagon Circle, Spring, Texas 77380, on behalf of Croda Inc., 315 Cherry Lane, New Castle DE, 19720, requests to amend an exemption from the requirement of a tolerance in 40 CFR 180.910 and 180.930 for residues of the alkyl alcohol alkoxylate phosphate and sulfate derivatives (AAAPD and AAASD respectively), (CAS Nos. 37281–86–0, 51325–10–1, 52019–38–2, 58206–38–5, 58857–49–1, 62482–61–5, 63887–54–7, 66020–37–9, 66281–20–7, 68332–75–2, 68400–75–9, 70844–96–1, 78041–18–6, 82465–25–6, 84843–37–8, 95014–34–9, 99924–51–3, 120913–45–3, 123339–53–7, 129208–04–4, 144336–75–4, 146815–57–8, 151688–56–1, 159704–69–5, 172027–16–6, 172274–69–0, 176707–42–9, 181963–82–6, 188741–55–1, 191940–53–1, 210993–53–6, 290348–69–5. 290348–70–8, 340681–28–9, 422563–26–6, 522613–09–8, 717140–06–2, 717140–09–5, 717827–29–7, 762245–80–7, 762245–81–8, 866538–89–8, 866538–90–1, 913068–96–9, 1087209–87–7, 1174313–54–2, 1205632–03–6, 1233235–49–8, 1451002–50–8, 1456802–88–2, 1456802–89–3, 1456803–12–5, 3694–74–4, 9086–52–6, 15826–16–1, 25446–78–0, 27731–61–9, 55901–67–2, 61894–66–4, 63428–85–3, 65104–74–7, 65122–38–5, 67762–19–0, 67762–21–4, 67923–90–4, 68611–29–0, 119432–41–6, and 219756–63–5) when used as a pesticide inert ingredient in pesticide formulations for post-harvest use on agricultural crops and when applied to animals. The petitioner believes no analytical method is needed because it is not required for the establishment of a tolerance exemption for inert ingredients. (RD)

5. *PP IN–10704.* (EPA–HQ–OPP–2014–0418). Loveland Products, Inc., 3005 Rocky Mountain Avenue, Loveland, CO 80538, requests to establish an exemption from the requirement of a tolerance for residues of the phenol, 2-(2*H*-benzotriazol-2-yl)-6-dodecyl-4-methyl- (CAS No. 23328–53–2) when used as a pesticide inert ingredient in pesticide formulations as a ultra-violet (UV) stabilizer not to exceed 10% weight/weight (w/w) in pesticide formulations under 40 CFR 180.920 (pre-harvest uses). The petitioner believes no analytical method is needed because CAS No. 23328–53–2 is currently approved for use at no more than 0.6% in pesticide formulations. (RD)

6. *PP IN–10705.* (EPA–HQ–OPP–2014–0481). Akzo Nobel Surface Chemistry, LLC., 525 West Van Buren Street, Chicago, IL 60607–3823, requests to establish an exemption from the requirement of a tolerance for residues of 2-propenoic acid, 2-methyl-, phenylmethyl ester, polymer with 2-propenoic acid, peroxydisulfuric acid ([(HO)S(O)2]2O2) sodium salt (1:2)-initiated, compounds with diethanolamine; (CAS No.1574486–33–1) with a minimum number average molecular weight (in amu) of 2,000, when used as a pesticide inert ingredient in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. (RD)

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 22, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–21101 Filed 9–4–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 140429386–4386–01]

RIN 0648–XD275

Petition To Designate Sakhalin Bay-Amur River Beluga Whales Stock as Depleted Under the Marine Mammal Protection Act; Finding

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

ACTION: Notice of 60-day petition finding; extension of public comment period.

SUMMARY: NMFS received a petition to ''designate the Sakhalin Bay-Amur River stock of beluga whales (*Delphinapterus leucas*) as a depleted stock under the Marine Mammal Protection Act (MMPA).'' On August 1, 2014, NMFS announced that the petition presented substantial information indicating that the petitioned action may be warranted and that NMFS would initiate a status review promptly. NMFS also solicited information from the public that may contribute to the status review. NMFS is extending the comment period for 30 days.

DATES: The comment period for the petition finding published August 1, 2014, at 79 FR 44733, is extended. Information and comments must be received by close of business on September 29, 2014.

ADDRESSES: The petition and a list of references contained in this notice are available in electronic form via the Internet at *http://www.nmfs.noaa.gov/pr/.* A copy of the petition and/or its supporting documents may be requested from Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

You may submit comments, identified by NOAA–NMFS–2014–0056, by any of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov.*

Mail: Send comments or requests for copies of reports to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Beluga petition.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Dr. Shannon Bettridge, Office of Protected Resources, Silver Spring, MD; *shannon.bettridge@noaa.gov;* (301) 427–8402.

SUPPLEMENTARY INFORMATION:

Background

On April 23, 2014, NMFS received a petition from the Animal Welfare Institute, Whale and Dolphin Conservation, Cetacean Society International and Earth Island Institute to ''designate the Sakhalin Bay-Amur River stock of beluga whales as depleted under the MMPA.'' The petition asserts this group of whales constitutes a stock and that this stock is below its optimum sustainable population (OSP) and qualifies for a depleted designation. It also argues that the causes of the stock's decline include: large-scale commercial hunting from 1915–1963; unsustainable removal quotas; hunting permits; incidental mortality from fishing operations; accidental drowning during live-capture operations; vessel strikes; and other anthropogenic threats.

The MMPA allows interested parties to petition NMFS to initiate a status review to determine whether a species or stock of marine mammals should be designated as depleted. Section 115(a)(3) of the MMPA (16 U.S.C. 1383b(a)(3)) requires NMFS to publish a notice in the **Federal Register** that such a petition has been received and is available for public review. Within 60 days of receiving a petition, NMFS must publish a finding in the **Federal Register** as to whether the petition presents substantial information indicating that the petitioned action may be warranted.

Pursuant to Section 115(a)(3)(A) of the MMPA, NMFS published a notice in the **Federal Register** that the petition had been received and was available for public review (79 FR 28879, May 20, 2014). In response to its announcement that the petition had been received, NMFS received 17 comments, all expressing support for the petitioned action. Several non-governmental organizations submitted letters of support, providing information similar or identical to the information provided in the petition. These comments and supporting information can be found at *www.regulations.gov* (Docket ID: NOAA–NMFS–2014–0056).

Pursuant to Section 115(a)(3)(B) of the MMPA, NMFS published a notice in the **Federal Register** stating that after reviewing information presented in the petition, readily available in our files, and submitted through the public comment process, the petition presented substantial information indicating that the petitioned action may be warranted and that NMFS will initiate a status review (79 FR 44733, August 1, 2014).

NMFS subsequently received a request by the Georgia Aquarium to extend the public comment period by 60 days to provide all stakeholder parties, including the Aquarium, an adequate opportunity to provide NMFS with the information necessary to make an accurate determination on the status of the species. In this notice NMFS is extending the public comment period until October 6, 2014, to allow adequate time for the public to provide scientific information relevant to the status of the Sakhalin Bay-Amur River beluga whales. To provide a more extended public comment period would preclude NMFS from meeting its statutory requirements under the MMPA. The MMPA mandates NMFS to promptly initiate a status review and if the status review supports the petitioned action, publish in the **Federal Register** and solicit comments on a proposed rule as to the status of the stock, along with the reasons underlying the proposed status determination no later than 210 days after receipt of the petition.

Information Solicited

To ensure that the status review is based on the best scientific information available, we are soliciting scientific information relevant to the status of the Sakhalin Bay-Amur River beluga whales from the public, including individuals and organizations concerned with the conservation of marine mammals, persons in industry which may be

affected by the determination, and academic institutions. Specifically, we are soliciting information related to (1) the identification of Sakhalin Bay-Amur River beluga whales as a stock, (2) the historical or current abundance of this group, and (3) factors that may be affecting the group.

Dated: August 29, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–21090 Filed 8–29–14; 4:15 pm]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 79, No. 172
Friday, September 5, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of September 18 Advisory Committee on Voluntary Foreign Aid Meeting

AGENCY: United States Agency for International Development.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: Thursday, September 18, 2014.

Time: 2:00 p.m.–3:00 p.m.

Location: Ronald Reagan Building, 1300 Pennsylvania Avenue, Washington, DC 20004.

Purpose

The Advisory Committee on Voluntary Foreign Aid (ACVFA) brings together USAID and private voluntary organizations (PVO) officials, representatives from universities, international nongovernment organizations (NGOs), U.S. businesses, and government, multilateral, and private organizations to foster understanding, communication, and cooperation in the area of foreign aid.

Agenda

USAID Administrator Rajiv Shah will make opening remarks, followed by panel discussions among ACVFA members and USAID leadership on the Global Development Lab. The full meeting agenda will be forthcoming on the ACVFA Web site at *http://www.usaid.gov/who-we-are/organization/advisory-committee*.

Stakeholders

The meeting is free and open to the public. Persons wishing to attend should register online at *http://ow.ly/wlC6G*.

FOR FURTHER INFORMATION CONTACT: Jayne Thomisee, 202–712–5506.

Dated: August 28, 2014.

Jayne Thomisee,

Executive Director & Policy Advisor, U.S. Agency for International Development.

[FR Doc. 2014–21186 Filed 9–4–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Council for Native American Farming and Ranching

AGENCY: Office of Tribal Relations, USDA.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a forthcoming meeting of The Council for Native American Farming and Ranching (CNAFR), a public advisory committee of the Office of Tribal Relations (OTR). Notice of the meetings are provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act, as amended, (5 U.S.C. Appendix 2). This will be the first meeting of the 2014–2016 CNAFR term and will consist of, but not limited to: Hearing public comments; update of USDA programs and activities; and discussion of committee priorities. This meeting will be open to the public.

DATES: The meeting will be held on September 25th, 2014 from 9:30 a.m. to 5 p.m. and September 26th, 2014 from 8:30 a.m. to 5 p.m. The meeting will be open to the public on both days. Note that a period for public comment will be held on September 26th, from 1:30 p.m. to 2:30 p.m.

ADDRESSES: The meeting will be held at the Holiday Inn Washington—Capitol, 550 C Street SW., Washington, DC 20024. The public comment period and CNAFR meeting will take place within the Holiday Inn Washington—Capitol's House Meeting Room.

Written Comments: Written comments may be submitted to: John Lowery, Designated Federal Officer, Tribal Relations Manager, Office of Tribal Relations (OTR), 1400 Independence Ave. SW., Whitten Bldg., 501–A, Washington, DC 20250; by Fax: (202) 720–1058; or by email: *John.Lowery@osec.usda.gov*.

FOR FURTHER INFORMATION CONTACT: Questions should be directed to John Lowery, Tribal Relations Manager, OTR, 1400 Independence Ave. SW., Whitten Bldg., 501–A, Washington, DC 20250; by Fax: (202) 720–1058 or email: *John.Lowery@osec.usda.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), USDA established an advisory council for Native American farmers and ranchers. The CNAFR is a discretionary advisory committee established under the authority of the Secretary of Agriculture, in furtherance of the *Keepseagle* v. *Vilsack* settlement agreement that was granted final approval by the District Court for the District of Columbia on April 28, 2011.

The CNAFR will operate under the provisions of the FACA and report to the Secretary of Agriculture. The purpose of the CNAFR is (1) to advise the Secretary of Agriculture on issues related to the participation of Native American farmers and ranchers in USDA farm loan programs; (2) to transmit recommendations concerning any changes to FSA regulations or internal guidance or other measures that would eliminate barriers to program participation for Native American farmers and ranchers; (3) to examine methods of maximizing the number of new farming and ranching opportunities created by USDA farm loan programs through enhanced extension and financial literacy services; (4) to examine methods of encouraging intergovernmental cooperation to mitigate the effects of land tenure and probate issues on the delivery of USDA farm loan programs; (5) to evaluate other methods of creating new farming or ranching opportunities for Native American producers; and (6) to address other related issues as deemed appropriate.

The Secretary of Agriculture selected a diverse group of members representing a broad spectrum of persons interested in providing solutions to the challenges of the aforementioned purposes. Equal opportunity practices were considered in all appointments to the CNAFR in accordance with USDA policies. The Secretary selected the members in August 2014. Interested persons may present views, orally or in writing, on issues relating to agenda topics before the CNAFR.

Written submissions may be submitted to the contact person on or

before September 19th, 2014. Oral presentations from the public will be heard between approximately 1:30 p.m. to 2:30 p.m. on September 26th, 2014. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the issue they wish to present and the names and addresses of proposed participants by September 19th, 2014. All oral presentations will be given three (3) to five (5) minutes depending on the number of participants.

OTR will also make all agenda topics available to the public via the OTR Web site: *http://www.usda.gov/tribalrelations* no later than 10 business days before the meeting and at the meeting. In addition, the minutes from the meeting will be posted on the OTR Web site. OTR welcomes the attendance of the public at the CNAFR 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 John Lowery, at least 10 business days in advance of the meeting.

Dated: August 29, 2014.

John Lowery,

Federal Designated Officer, Office of Tribal Relations.

[FR Doc. 2014–21181 Filed 9–4–14; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Butte Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Butte Resource Advisory Committee (RAC) will meet in Oroville, California. Attendees may also participate via conference call. The RAC is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) (Pub. L. 110–343) and operates in compliance with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. 2). The purpose of the RAC is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Title II of the Act. The meeting is open to the public. Additional information concerning the RAC, including the agenda, can be found by visiting the RAC's Web site at: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held, in-person and via conference call on September 22, 2014 at 6:30 p.m.

All RAC meetings are subject to cancellation. For updated status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Feather River Ranger District Conference Room, 875 Mitchell Avenue, Oroville, California. For anyone who would like to attend via conference call, please visit the Web site listed above for the call-in information or contact Lee Anne Schramel listed under the **FOR FURTHER INFORMATION CONTACT** section.

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 Plumas National Forest Headquarters, 159 Lawrence Street, Quincy, California. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lee Anne Schramel, Butte RAC Coordinator, by phone at (530) 283–7850, by email at *easchramel@fs.fed.us,* or via facsimile at (530) 283–7719.

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: The purpose of the meeting is to recommend allocation of FY13 funding among projects. 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 September 12, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the RAC may file written statements with the committee staff before or after the meeting. Written comments and time requests for oral comments must be sent to Lee Anne Schramel listed under the **FOR FURTHER INFORMATION CONTACT** section. Additional RAC information, including the agenda and the summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb* 21 days after the meeting.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 27, 2014.

Earl W. Ford,

Forest Supervisor.

[FR Doc. 2014–21136 Filed 9–4–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–926]

Sodium Nitrite From the People's Republic of China: Continuation of Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC) that revocation of the countervailing duty (CVD) order on sodium nitrite from the People's Republic of China (PRC) would likely lead to a continuation or recurrence of net countervailable subsidies and material injury to an industry in the United States, the Department is publishing this notice of continuation of the CVD order.

DATES: *Effective Date:* September 5, 2014.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2013, the Department initiated a sunset review of the order, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[1] As a result of its review, the Department determined that revocation of the order on sodium nitrite from the PRC would likely lead to a continuation or recurrence of net countervailable subsidies and, therefore, notified the

[1] *See Initiation of Five-Year (''Sunset'') Reviews,* 78 FR 39256 (July 1, 2013).

ITC of the net countervailable subsidy likely to prevail should the order be revoked.[2] On February 4, 2014, the ITC published its determination, pursuant to section 751(c) of the Act that revocation of the CVD order on sodium nitrite from the PRC would lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

Scope of the Order

The merchandise covered by this order is sodium nitrite in any form, at any purity level. In addition, the sodium nitrite covered by this order may or may not contain an anti-caking agent. Examples of names commonly used to reference sodium nitrite are nitrous acid, sodium salt, anti-rust, diazotizing salts, erinitrit, and filmerine. The chemical composition of sodium nitrite is $NaNO_2$ and it is generally classified under subheading 2834.10.1000 of the Harmonized Tariff Schedule of the United States (HTSUS). The American Chemical Society Chemical Abstract Service (CAS) has assigned the name ''sodium nitrite'' to sodium nitrite. The CAS registry number is 7632–00–0. For purposes of the scope of this order, the narrative description is dispositive, not the tariff heading, CAS registry number or CAS name, which are provided for convenience and customs purposes.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the CVD order would likely lead to a continuation or recurrence of net countervailable subsidies and material injury to an industry in the United States, pursuant to Section 751(d)(2) of the Act, the Department hereby orders the continuation of the CVD order on sodium nitrite from the PRC. U.S. Customs and Border Protection will continue to collect CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the effective date of the continuation.

[2] *See Sodium Nitrite From the People's Republic of China: Final Results of the From the People's Republic of the Expedited First Sunset Review of the Countervailing Duty Order,* 78 FR 69646 (November 20, 2013).

[3] *See Sodium Nitrite From China and Germany (Investigation Nos. 701–TA–453 and 731–TA–1136),* 79 FR 6628 (February 4, 2014).

The five-year sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: August 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–21210 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC), Request for Nominations

AGENCY: International Trade Administration, DOC.

ACTION: Solicitation of Nominations for Membership to the Environmental Technologies Trade Advisory Committee (ETTAC).

SUMMARY: This notice sets forth a request for nominations to serve on the Environmental Technologies Trade Advisory Committee (ETTAC). The ETTAC was established pursuant to provisions under Title IV of the Jobs Through Trade Expansion Act, 22 U.S.C. 2151, and under the Federal Advisory Committee Act, 5 U.S.C. App. 2. ETTAC was first chartered on May 31, 1994. ETTAC serves as an advisory body to the Environmental Trade Working Group of the Trade Promotion Coordinating Committee (TPCC), reporting directly to the Secretary of Commerce in his/her capacity as Chairman of the TPCC. ETTAC advises on the development and administration of policies and programs to expand U.S. exports of environmental technologies, goods, and services.

DATES: Nominations for membership must be received on or before November 3, 2014.

ADDRESSES: Please send nominations by post, email, or fax to the attention of Maureen Hinman, Designated Federal Officer/ETTAC, Office of Energy & Environmental Industries, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4053, Washington, DC 20230; phone 202–482–0627; email *maureen.hinman@trade.gov;* fax 202–482–5665. Electronic responses should be submitted in Microsoft Word format.

Nominations: The Secretary of Commerce invites nominations to ETTAC of U.S. citizens who will represent U.S. environmental goods and services companies that trade internationally, or trade associations and non-profit organizations whose members include U.S. companies that trade internationally. Companies must be at least 51 percent owned by U.S. persons. No member may represent a company that is majority-owned or controlled by a foreign government entity or foreign government entities.

Membership in a committee operating under the Federal Advisory Committee Act must be balanced in terms of economic subsector, geographic location, and company size. Committee members serve in a representative capacity and must be able to generally represent the views and interests of a certain subsector of the U.S. environmental industry. Candidates should be senior executive-level representatives from environmental technology companies, trade associations, and non-profit organizations. Members of the ETTAC must have experience in the exportation of environmental goods and/or services, including:

(1) Air pollution control and monitoring technologies;

(2) Analytic devices and services;

(3) Environmental engineering and consulting services;

(4) Financial services relevant to the environmental sector;

(5) Process and pollution prevention technologies;

(6) Solid and hazardous waste management technologies; and/or

(7) Water and wastewater treatment technologies.

Nominees will be evaluated based upon their ability to carry out the goals of the ETTAC's enabling legislation. ETTAC's current Charter is available on the internet at *http://www.environment.ita.doc.gov* under the tab: *Advisory Committee.* Appointments will be made to create a balanced Committee in terms of subsector representation, product lines, firm size, geographic area, and other criteria. Nominees must be U.S. citizens.

All appointments are made without regard to political affiliation. Members shall serve at the pleasure of the Secretary from the date of appointment to the Committee to the date on which the Committee's charter terminates (normally two years).

If you are interested in becoming a member of ETTAC, please provide the following information (2 pages maximum):

(1) Name.

(2) Title.

(3) Work phone; fax; and email address.

(4) Organization name and address, including Web site address.

(5) Short biography of nominee, including credentials and proof of U.S. citizenship (copy of birth certificate and/or U.S. passport) and a list of citizenships of foreign countries.

(6) Brief description of the organization and its business activities, including.

(7) Company size (number of employees and annual sales).

(8) Exporting experience.

(9) An affirmative statement that the nominee will be able to meet the expected time commitments of Committee work. Committee work includes (1) attending in-person committee meetings approximately four times per year, (2) undertaking additional work outside of full committee meetings including subcommittee conference calls or meetings as needed, and (3) drafting or commenting on proposed recommendations to be evaluated at Committee meetings.

Please do not send company or trade association brochures or any other information.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Hinman, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230. (Phone: 202–482–0627; Fax: 202–482–5665; email: *maureen.hinman@trade.gov*).

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2014–21117 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Ocean and Atmospheric Administration

Proposed Information Collection; Comment Request; Regional Economic Data Collection Program for Southwest Alaska

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before November 4, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Chang Seung, (206) 526–4250 or *Chang.Seung@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

Regional or community economic analysis of proposed fishery management policies is required by the Magnuson-Stevens Fishery Conservation and Management Act, National Environmental Policy Act, and Executive Order 12866, among others. To satisfy these mandates and inform policymakers and the public of the likely regional economic impacts associated with fishery management policies, appropriate economic models and the data to implement them are needed. Much of the data required for regional economic analysis of Southwest Alaska fisheries are either unavailable or unreliable. Accurate fishery-level data on employment, labor income, and expenditures in the Southwest Alaska fishery and related industries are not generally available but are needed to estimate the role of fisheries and effects of fishery policies on local, regional and national economies. The Southwest region for this survey includes six boroughs and census areas (BCAs)—Aleutians East Borough, Aleutians West Census Area, Bristol Bay Borough, Dillingham Census Area, Lake and Peninsula Borough, and Kodiak Island Borough.

In 2007–2008, a similar data collection project was administered for the Southwest Alaska region by obtaining 2006 annual data. However, that data is now outdated and incomplete. In the proposed survey, 2013 or 2014 annual data for important regional economic variables will be collected from fish harvesting and seafood processing businesses operating in the region (2012 data on these variables will be collected if more recent vessel landings and processed products data are not available at the time the data collection begins). The data will be used to develop Southwest regional and BCA-level models that will provide more reliable impact estimates and significantly improve policymakers' ability to assess effects on fishery-dependent communities in Southwest Alaska. A departure from the prior survey effort is that more information will be collected this time on the source locations of business expenditures by catcher vessels and seafood processors. The survey will be conducted one time only.

A mail survey will be used to collect data on employment, labor income, and expenditures from owners of 2,731 catcher vessels whose boats delivered fish to Southwest Alaska processors. Key informant interviews will be conducted to gather additional information from 30 seafood processors, including catcher-processor and floating processor vessels, and 20 local businesses that supply inputs to regional fish harvesters and seafood processors. The interviews will be used to determine relative expenditures for inputs made in nine geographical areas—(1) each of the six BCAs within the Southwest region, (2) non-Southwest Alaska region, (3) West Coast, and (4) the rest of US and elsewhere. Personal interviews with input suppliers will gather additional information on (i) the level of supplier sales to regional seafood industry businesses, and (ii) the portion of business expenditures for labor and non-labor inputs that were made in each of the above nine geographical areas.

II. Method of Collection

Mail surveys and personal or phone interviews will be used.

III. Data

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Review: Regular submission (new information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,415.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 1,061.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden

(including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 29, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–21125 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC598

Endangered and Threatened Species; Draft Recovery Plan for Staghorn and Elkhorn Corals

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) announces the availability for public review of the draft Recovery Plan (Plan) for elkhorn coral (*Acropora palmata*) and staghorn coral (*Acropora cervicornis*). The Plan is available on the NMFS Web site at *http://www.nmfs.noaa.gov/pr/recovery/plans.htm* and the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/protected_resources/coral/elkhorn_coral/document/Key_Docs/DraftAcroporaRecoveryPlan.pdf.* NMFS is soliciting review and comment from the public and all interested parties on the draft Plan, and NMFS will consider all relevant, substantive comments received during the review period before finalizing the Plan.

DATES: Comments on the draft Plan must be received by close of business on October 20, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0110, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal *www.regulations.gov.* To submit comments via the e-Rulemaking Portal, first click the ''submit a comment'' icon, then enter NOAA–NMFS–2014–0110 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the ''Submit a Comment'' icon on the right of that line.
- *Mail:* Assistant Regional Administrator for Protected Resources, NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701. Attn: Draft Acropora Recovery Plan.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. 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. 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.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. 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 or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Alison Moulding (727–824–5312), email *Alison.Moulding*@noaa.gov or Therese Conant (301–427–8456), email *Therese.Conant@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Recovery plans describe actions beneficial for the conservation and recovery of species listed under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). Section 4(f)(1) of the ESA requires that recovery plans incorporate, to the maximum extent practicable: (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the Plan's goals; and (3) estimates of the time required and costs to implement recovery actions. The ESA requires the development of recovery plans for each listed species unless such a plan would not promote its conservation.

The purpose of this draft Plan is to rebuild and assure the long-term viability of elkhorn and staghorn coral populations in the wild, allowing ultimately for the species' removal from the federal list of endangered and threatened species. The goal of this Plan is to increase the abundance and to protect the genetic diversity of elkhorn and staghorn coral populations throughout their geographical ranges while sufficiently abating threats to warrant delisting of both species. Elkhorn and staghorn coral populations should be large enough to include numerous groups of successfully reproducing individuals, including thickets, across the historical range of these species. These groups should be large enough to protect genetic diversity and maintain ecosystem function. The proposed recovery approach includes research and monitoring to identify, reduce, or eliminate threats so the recovery objectives outlined in this Plan have the greatest likelihood of being achieved. Because some threats to elkhorn and staghorn corals cannot be directly managed (e.g., disease), the Plan pursues concurrent actions to address both global and local threats. Population enhancement is also an integral part of elkhorn and staghorn recovery through restoration, restocking, and active management. Ecosystem-level actions are identified to improve habitat quality and restore community structure and ecological functions, such as herbivory, to sustain adult colonies and enable successful recruitment in the wild over the long term. The goal, objectives, and criteria of the Plan represent NMFS' expectation of conditions to recover elkhorn and staghorn corals so they no longer need the protective measures provided by the ESA; conservation of elkhorn and staghorn species is described in the Plan regardless of their listing as an endangered or threatened species.

The recovery criteria in the draft Plan are based on the current literature and expert consensus. In some cases, the current best available information is so limited that it is not practicable to identify recovery criteria. Instead, interim criteria are identified to gather and obtain the information necessary to establish final recovery criteria. Recovery criteria can be viewed as targets, or values, by which progress toward achievement of recovery objectives can be measured. In the Plan we frame recovery criteria both in terms of population parameters (Population-based Recovery Criteria) and the five

ESA listing factors (Threat-based Recovery Criteria). The draft recovery plan also includes the projected timeframe to recover the elkhorn and staghorn corals and the cost of implementing actions.

We believe the draft Plan meets the requirements of the ESA. We solicit written comments on the proposed Recovery Plan and will consider all relevant, substantive comments and information presented during the public comment period in the course of finalizing this Plan. We specifically request any comments or information regarding: (1) The recovery criterion and actions addressing the threats of ocean warming and acidification associated with global climate change resulting from atmospheric greenhouse gas concentrations; and (2) the identification and development of interim criteria.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: August 29, 2014.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–21154 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

RIN 0648–XD366

[FWS–R1–ES–2014–N095]

Draft Environmental Impact Statement; Proposed Washington Department of Natural Resources Aquatic Lands Habitat Conservation Plan, Washington

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce; Fish and Wildlife Service, Interior.

ACTION: Notice of availability; announcement of meetings; request for comment.

SUMMARY: The Washington Department of Natural Resources (WDNR) has submitted applications to the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) (together, the Services) for incidental take permits (permits) for a term of 50 years, pursuant to the Endangered Species Act of 1973, as amended (ESA). The permit applications address incidental take of listed species caused by WDNR authorizations of shellfish aquaculture, log booming and storage, and overwater structures undertaken by individuals, businesses, and governmental agencies on 2.6 million acres of State-owned aquatic lands, including marine and freshwater tidelands, shorelands, and bedlands of the State of Washington. The proposed permits would authorize take, incidental to otherwise lawful activities, of 29 species of fish and wildlife, including federally listed threatened and endangered species. As required by the ESA, WNDR has prepared a Habitat Conservation Plan (HCP) designed to minimize and mitigate the impacts to the maximum extent practicable, that will likely result from such taking. A draft implementing agreement (IA) for the HCP has also been prepared. The Services have jointly prepared a Draft Environmental Impact Statement (DEIS) in accordance with requirements of the National Environmental Policy Act (NEPA). The DEIS evaluates the impacts of, and alternatives to, the proposed HCP and issuance of the permits. We are announcing public meetings and requesting public comment on the DEIS, proposed HCP, and the IA.

DATES: Written comments on the DEIS, proposed HCP and draft IA must be received from interested parties no later than December 4, 2014. The Services and the WDNR will conduct four public meetings to inform the public about the DEIS, proposed HCP, and the IA. See **SUPPLEMENTARY INFORMATION** section for meeting dates, times, and locations.

ADDRESSES: *Obtaining Documents:* The DEIS, HCP and related documents are available electronically on the World Wide Web at *http://www.nwr.noaa.gov/Salmon-Habitat/Habitat-Conservation-Plans/HCPs-in-Process.cfm* and *http://www.fws.gov/wafwo/.*

Submitting Comments: You may submit written comments by any of the following methods:

- *U.S. mail:* Scott Anderson, National Marine Fisheries Service, 510 Desmond Drive SE., Suite 103, Lacey, WA 98503; or Tim Romanski, U.S. Fish and Wildlife Service, 510 Desmond Drive SE., Suite 102, Lacey, WA 98503.
- *Email: WFWOComments@fws.gov.* Include the identifier ''WDNR Aquatic Lands HCP EIS'' in the subject line of the message.
- *Facsimile:* 360–753–9518.
- *In-Person:* Written comments will be accepted at the public meetings, or can be dropped off during regular business hours at the above address.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Tim Romanski, U.S. Fish and Wildlife Service, 510 Desmond Drive SE., Suite 102, Lacey, WA 98503; telephone 360–753–9440; facsimile 360–753–9518; or email *Tim_Romanski@fws.gov;* or Scott Anderson, National Marine Fisheries Service, 510 Desmond Drive SE., Suite 103, Lacey, WA 98503; telephone 360–753–5828; facsimile 360–753–9517; or email *scott.anderson@noaa.gov.* If you use a telecommunications device for the deaf, please call the Federal Information Relay Service TTY 800–877–8339 or visit Federal Relay at *http://www.federalrelay.us/.*

SUPPLEMENTARY INFORMATION:

Public Meeting Information and Special Accommodation

The public meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation services or other auxiliary aids should be made at least 7 working days prior to the meeting date by contacting: Scott Anderson, National Marine Fisheries Service, at telephone 360–753–5828; or email *scott.anderson@noaa.gov;* or Tim Romanski, U.S. Fish and Wildlife Service, telephone 360–753–9440; facsimile 360–753–9518; or email *Tim_Romanski@fws.gov.*

The four meetings will be held at the following locations listed below:

1. Tuesday, October 7, 2014, 6 p.m. to 8:30 p.m., Skagit Valley College, Mount Vernon Campus, Angst Hall, Room A–125, 2405 East College Way, Mount Vernon, WA 98273.

2. Thursday, October 9, 2014, 6:30 p.m. to 8:30 p.m., Cowlitz County Public Utility District Office, 961 12th Avenue, Longview, WA 98632.

3. Monday, October 13, 2014, 6:30 p.m. to 8:30 p.m., Pierce County Public Library, Processing and Administration Center, Rooms B and C, 3005 112th Street E, Tacoma, WA 98446.

4. Wednesday, October 15, 2014, 6:30 p.m. to 8:30 p.m., City of Pasco Senior Center, Multi-Purpose Room North, 1315 N 7th Avenue, Pasco, WA 99301.

Statutory Authority

Section 9 of the ESA and its implementing Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term ''take'' is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such

conduct. Harass is defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding, and sheltering. ''Harm'' is defined by FWS regulation to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). NMFS' definition of harm includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, migrating, rearing, and sheltering (64 FR 60727; November 8, 1999) (50 CFR 222.102).

Section 10 of the ESA and the implementing regulations provide that the Services may issue permits, under limited circumstances, to allow the take of listed species incidental to, and not the purpose of, otherwise lawful activities. The FWS regulations governing permits for endangered species are promulgated in 50 CFR 17.22; regulations governing permits for threatened species are promulgated in 50 CFR 17.32. The NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Background

The WDNR has submitted applications to the Services for permits pursuant to section 10(a)(1)(B) of the ESA. As required by section 10(a)(2)(A) of the ESA, WDNR has developed an HCP designed to minimize and mitigate the impacts that will likely result from incidental take, of 29 species addressed in the HCP, that is reasonably certain to be caused by activities authorized by WDNR on State-owned aquatic lands. This HCP addresses multiple species and habitats, and encompasses the entirety of the 2.6 million acres of aquatic lands managed by WDNR. Nearly all the marine and freshwater bedlands, approximately 70 percent of the shorelands of navigable lakes and rivers, and approximately 30 percent of the tidelines in Washington are owned and managed by the State. WDNR is seeking two permits for incidental take of species under the respective jurisdictions of NMFS and the FWS. Each Permit would have a term of 50 years to run concurrently with the HCP. This term ensures that WDNR will be able to implement the defined conservation strategies and monitoring efforts for all activities covered by the HCP that currently exist on State-owned aquatic lands.

The Services formally initiated public scoping for the proposed HCP and EIS through publication of a Notice in the **Federal Register** on October 24, 2006 (71 FR 62251). That notice announced a public scoping period during which interested parties were invited to provide written comments expressing their issues or concerns relating to the proposal, and to attend five public scoping meetings held between October 24, 2006, and November 8, 2006, at various locations in Washington. Utilizing the public scoping comments, the Services have prepared a DEIS to analyze the effects of the alternatives on the human environment. The DEIS, proposed HCP, and IA documents are now available for public review and comment with this notice.

Covered Activities

WDNR's goal in developing this HCP is to provide a process for management of State-owned aquatic lands that meets the applicable requirements of the ESA and WDNR's responsibilities to manage aquatic lands for a balance of public uses and environmental protection. This includes ensuring that the effects of the specific WDNR activities included in the permit will be mitigated to the maximum extent practicable, and that there is no appreciable reduction in the likelihood of the survival or recovery of a covered species in the wild due to permitted incidental take or habitat degradation. The HCP provides a method for habitat management on State-owned aquatic lands that supports species recovery and reduces the risk of extinction. The HCP focuses on a set of activities that WDNR can affect both how and where they occur on State-owned aquatic lands. Three general categories of authorized activities are included in the HCP: Shellfish aquaculture, log booming and storage, and overwater structures.

Shellfish aquaculture includes the operations, facilities and structures that WDNR authorizes on State-owned aquatic lands associated with the commercial planting and harvesting of shellfish. The harvesting of wildstock shellfish is not covered.

Log booming and storage includes placing logs into and taking them out of the water, assembling and disassembling of log rafts before or after their movement in water-borne commerce, and water-based sorting and temporary holding of the logs. Log storage includes the water storage of logs in rafts or other preparation for shipment in water-borne commerce. The use of aquatic lands for these activities occurs as part of larger commercial logging operation, and because the activities are closely related, WDNR frequently combines the two activities into a single authorization.

Overwater structures are defined as structures built over, under, or floating on the water associated with recreation, industry, or habitation. The group is broken into two categories: Single element structures, meaning those with only one associated structure such as a private pier; and multiple element structures that contain a complex of interrelated structures at a single facility, such as a commercial marina or shipping terminal. Activities associated with overwater structures typically occur year-round, with heavier use of recreational facilities occurring in the summer. While a majority of the structures are permanent, structures such as mooring buoys, floating docks, or rafts may be removed in the winter. Although authorizations for overwater structures vary in duration, the structures themselves may remain indefinitely. This is particularly true for multiple-element structures, where the structures are often valuable enough to remain in place across multiple lease terms and business operators.

Covered Species

The Aquatic Lands HCP addresses 29 listed and non-listed species of fish, birds, and other animals. The FWS has jurisdiction for 15 of the covered species, including the marbled murrelet (*Brachyamphus marmoratus*), western snowy plover (*Charadrius alexandrinus nivosus*), black tern (*Chlidonias niger*), harlequin duck (*Histrionicus histrionicus*), common loon (*Gavia immer*), Columbia spotted frog (*Rana luteiventris*), northern leopard frog (*Rana pipiens*), Oregon spotted frog (*Rana pretiosa*), western toad (*Bufo boreas*), Pacific pond turtle (*Actinemys marmorata*), Pacific lamprey (Lampetra tridentata), bull trout (*Salvelinus confluentus*), coastal cutthroat trout (*Oncorhynchus clarki clarki*), kokanee salmon (*Oncorhynchus nerka*), and white sturgeon (*Acipenser transmontanus*). The marbled murrelet, western snowy plover, and bull trout are listed as threatened under the ESA. The Oregon spotted frog (*Rana pretiosa*) is a species proposed for listing as threatened or endangered.

The NMFS has jurisdiction for 14 of the covered species including Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), chum salmon (*Oncorhynchus keta*), sockeye salmon (*Oncorhynchus nerka*), pink salmon (*Oncorhynchus gorbuscha*), steelhead trout (*Oncorhynchus mykiss*),

green sturgeon (*Acipenser medirostris*), eulachon (*Thaleichthys pacificus*), Pacific herring (*Clupea pallasi*), Pacific sand lance (*Ammodytes hexapterus*), surf smelt (*Hypomesus pretiosus*), bocaccio rockfish (*Sebastes paucispinis*), canary rockfish (*Sebastes pinniger*), yelloweye rockfish (*Sebastes ruberrimus*), and southern resident orca (*Orcinus orca*). Chinook, chum, coho, sockeye, and steelhead trout have one or more evolutionary significant units that are designated as endangered or threatened under the ESA. In addition, the yelloweye rockfish, canary rockfish, eulachon, and green sturgeon are listed as threatened under the ESA. The southern resident orca and bocaccio are listed as endangered under the ESA.

Covered Lands

The Aquatic Lands HCP covers those lands directly owned by the State of Washington and managed by WDNR that underlie navigable freshwater, marine, and estuarine waters within the State of Washington. Under Federal law, Washington received title to those lands upon Statehood, and the State asserted ownership in Article XVII, Section 1 of the Washington State Constitution. This HCP does not cover aquatic lands that were sold into private ownership, managed by agencies other than WDNR, or are under waters that are not navigable for establishing State title.

Navigable waters are those lands that are capable of serving as a highway for commerce in their natural and ordinary condition, using customary modes of travel and trade on water. WDNR presumes all bodies of water meandered by a government surveyor to be navigable for the purpose of establishing State title, unless declared otherwise by a court. If there is a dispute about whether a water body is navigable for the purpose of vesting title in the State, the judiciary makes the final determination.

While State ownership in saltwater is well established, the extent of State-owned aquatic lands underlying freshwater is less established, because the navigability of some waterbodies has yet to be analyzed or adjudicated. In addition, because State ownership, and thus WDNR's management authority, generally follows gradual changes in the boundary of the water body caused by natural accretion, erosion, and reliction, the location of waterbodies managed by WDNR may change over time.

The WDNR manages approximately 2.6 million acres of submerged land, including the attached biological communities (submerged aquatic vegetation and infauna). State-owned aquatic land extends 3 miles waterward into the Pacific Ocean, and includes submerged lands and resources to the center of the Strait of Juan de Fuca, Haro Strait, Boundary Pass, and the Strait of Georgia; the aquatic lands and resources surrounding the San Juan Archipelago; and the lands and resources underlying Puget Sound, Hood Canal, and navigable rivers and lakes across the State.

Alternatives

The following is a brief summary of the three alternatives evaluated in the DEIS and HCP (for details, refer to those documents):

Alternative 1: No-action—Under this alternative, WDNR would not implement a HCP, and permits would not be issued by the Services. The WDNR would continue managing and leasing State-owned aquatic lands in accordance with current practices, but no specific management strategies would be implemented by WDNR to ensure compliance with the ESA. The WDNR would not conduct a direct evaluation under the ESA of the effects of its management actions, nor would it consider the cumulative effects of its activities. WDNR would manage requests for uses of State-owned aquatic lands on a site-by-site basis. Currently, many use authorization agreements issued by Washington DNR require the implementation of practices designed to protect environmental resources. Additionally, Washington DNR has various programs currently in place that help conserve habitat (e.g., the Aquatic Reserves Program, Derelict Vessel Removal Program, and the Aquatic Lands Restoration Program). However, the degree of habitat protection, and the frequency and consistency of implementation, would not be assured over time without a HCP and permits because WDNR would not be committed to a fully funded HCP and a legally binding permit.

Alternative 2: Proposed Action—Under this alternative, WDNR would implement the proposed HCP, and the Services would issue permits covering three general categories of activities (shellfish aquaculture, log booming and storage, and overwater structures) in freshwater, estuarine, and marine environments, provided all legal requirements are met (see the Covered Activities section above). A specific conservation program would be implemented through the HCP to ensure compliance with the ESA.

Alternative 3: HCP for Marine Areas Only—Under this alternative, WDNR would implement an HCP, and the Services would issue permits for covered activities only in marine and estuarine environments, provided all legal requirements are met. The activities, species, and area covered under this alternative would generally be a subset of those included under Alternative 2, and the HCP would focus on those species most likely to be affected. The HCP would not cover the Columbia spotted frog, Oregon spotted frog, northern leopard frog, western toad, Pacific pond turtle, or black tern, because in Washington State, these species occur only in freshwater habitats. Washington DNR would implement all of the elements of the HCP operating conservation program to ensure compliance with the ESA, but in marine and estuarine areas only. WDNR's habitat protection and restoration programs and actions would be applied toward compensation for unavoidable impacts from authorized uses in marine and estuarine waters only. In freshwater areas, WDNR would manage State-owned aquatic lands as described for Alternative 1, No Action, so there would not be the added protections of the HCP for the freshwater activities.

Public Availability of Comments

Comments and materials we receive, as well as supporting documentation we use in preparing the final EIS, will become part of the public record and will be available for public inspection by appointment, during regular business hours, at the Service's Washington Fish and Wildlife Office (see **ADDRESSES**). Before including your address, phone number, email address, or other personal identifying information in your comment(s), you should be aware that your entire comment(s)—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment(s) to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice in accordance with the requirements of section 10 of the ESA (16 U.S.C. 1539) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: August 25, 2014.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

Dated: August 25, 2014.

Richard R. Hannan,

Deputy Regional Director, Pacific Region, U.S. Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 2014–21198 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–22–P; 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD483

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council's Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BS/AI) groundfish plan teams will meet in Seattle, WA.

DATES: The meetings will be held September 23–26, 2014. The meetings will begin at 9 a.m. on Tuesday, September 23, and continue through Friday, September 26, 2014.

ADDRESSES: The meetings will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., Building 4, National Marine Mammal Lab Room 2039 (GOA Plan Team) and Traynor Room 2076 (BS/AI Plan Team, Joint meeting), Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: David Witherell or Diana Stram, NPFMC; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Principal business is to recommend proposed groundfish catch specifications for 2015/16. The teams also will review status reports on various management actions, review the draft Ecosystems Considerations Chapter, review proposed changes to Bering Sea/Aleutian Island and Gulf of Alaska groundfish stock assessment models, as well as other reports.

The Agenda is subject to change, and the latest version is posted at *http://www.npfmc.org/.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen, (907) 271–2809, at least 5 working days prior to the meeting date.

Dated: September 2, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–21176 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD482

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings of the North Pacific Fishery Management Council Electronic Monitoring Workgroup.

SUMMARY: The North Pacific Fishery Management Council (Council) Fixed Gear Electronic Monitoring (EM) workgroup will meet in Anchorage, AK.

DATES: The meetings will be held September 23–24, 2014, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meetings will be held at the North Pacific Fishery Management Council, 605 W 4th Avenue, Suite 205, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The workgroup will receive an update on fieldwork and video review, discuss a framework of analysis to support EM implementation, and review the Council's objective for SSC review, the research plan, data protocol, and budgets/funding and timelines.

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: September 2, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–21175 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD487

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, September 23, 2014 at 9 a.m.

ADDRESSES: *Meeting Address:* The meeting will be held at the Hotel Providence, 139 Mathewson Street, Providence, RI 02903; telephone: (401) 861–8000; fax: (401) 454–4306.

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 Advisors will review 2014 scallop survey results and preliminary recommendations from the Scallop Plan Development Team for FY 2015 and FY 2016 (default) fishery specifications (Framework 26). The Advisors will also provide input on other measures under consideration in Framework 26: (1) Measures to allow fishing in state waters after federal Northern Gulf of Maine (NGOM) TAC is reached; (2) measures to make turtle regulations consistent in the scallop fishery; (3) measures to modify the existing area closure accountability measures in place for Georges Bank and Southern New

England/Mid-Atlantic yellowtail flounder, and develop new accountability measures for northern windowpane flounder; and (4) consider an inshore transit corridor for limited access scallop vessels to declare out of the fishery. The Advisors will also provide input on potential Council work priorities for 2015 related to the scallop management plan. The Council is expected to discuss these issues at the September Council meeting.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: September 2, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–21177 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD476

Stock Status Determination for Atlantic Highly Migratory Atlantic Sharpnose and Bonnethead Sharks

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that Atlantic sharpnose sharks (*Rhizoprinodon terraenovae*) are split into two stocks (Atlantic and Gulf of Mexico), each with a status of ''not overfished, no overfishing occurring,'' and bonnethead sharks (*Sphyrna tiburo*) are split into two stocks (Atlantic and Gulf of Mexico), each with a status of ''unknown.''

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz or Guý DuBeck at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic sharpnose and bonnethead sharks are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. NMFS manages all shark species under the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan and its amendments.

Atlantic sharpnose and bonnethead sharks were both previously assessed in 2007 as part of the Southeast Data, Assessment, and Review (SEDAR) process. At that time, both species were determined to have the status of ''not overfished, no overfishing occurring.'' These species were most recently assessed again in 2013 as ''standard'' assessments as part of SEDAR 34. While ''benchmark'' assessments allow for major changes, standard assessments generally update previous benchmark assessments with additional years of data and allow for only minor changes. All documents and information regarding of the most recent assessment (SEDAR 34) and the 2007 assessment (SEDAR 13) can be found on the SEDAR Web page at *http://www.sefsc.noaa.gov/sedar/*.

On the first day of the face-to-face assessment workshop meeting in June 2013, the scientists determined that the genetic information clearly indicated both species should be split into a Gulf of Mexico stock and an Atlantic stock. However, because the assessments had been scheduled as standard assessments, the assessment process and timing would not allow the scientists to make this change. Making such a change would have required four benchmark assessments rather than two standard assessments. It would have also required additional changes to the format and structure of the data that had not been anticipated and allowed for in the overall SEDAR schedule. Based on a request from fishery managers to continue given that the previous assessments were over 5 years old and updated scientific advice was needed, the scientists agreed to continue with the standard assessment of both species as single stocks in order to provide management advice on the potential status of the stocks.

Regarding Atlantic sharpnose, there were 20 model runs for this species. Seventeen of the 18 model runs that considered the species to be a single stock found that the species as a single stock was not overfished and no overfishing was occurring (Base run: $F_{2011}/F_{MSY} = 0.34$, $SSF_{2011}/SSF_{MSY} = 1.73$). A sensitivity run that included only those indices that were decreasing found that the species as a single stock may be overfished with overfishing occurring ($F_{2011}/F_{MSY} = 1.06$, $SSF_{2011}/SSF_{MSY} = 0.40$). Additionally, the scientists at the 2013 assessment could use catch and indices of abundance data that were split between the two stocks because the scientists at the 2007 assessment had considered such a split and therefore had split overall catch data and indices of abundance between the Gulf of Mexico and Atlantic regions. This split in data allowed the scientists to conduct sensitivity analyses using the biology for each stock with the respective catch data and indices. The Atlantic sensitivity run found the stock was not overfished and no overfishing was occurring ($F_{2011}/F_{MSY} = 0.23$; $SSF_{2011}/SSF_{MSY} = 2.07$). The Gulf of Mexico sensitivity run also found the stock was not overfished and no overfishing was occurring ($F_{2011}/F_{MSY} = 0.57$; $SSF_{2011}/SSF_{MSY} = 1.01$). Considering the assessment as a whole, including the multiple sensitivity analyses, the scientists determined that the assessment provided a consistent picture of stock status, especially in terms of the stock not being overfished. Two of the three peer reviewers agreed with the results of Atlantic sharpnose shark assessment; the third reviewer was concerned about bias in the shrimp trawl data. Based on these results, NMFS has decided to split the Atlantic sharpnose shark species into two stocks—an Atlantic stock and a Gulf of Mexico stock—and determined that the status of both stocks is not overfished and no overfishing is occurring.

Regarding bonnethead sharks, there were 19 model runs for this species. Sixteen of the 19 model runs, including the base run, found that the species—as a single stock—was not overfished and no overfishing was occurring (Base run: $F_{2011}/F_{MSY} = 0.50$, $SSF_{2011}/SSF_{MSY} = 1.27$). The continuity run indicated that overfishing was occurring ($F_{2011}/F_{MSY} = 1.01$, $SSF_{2011}/SSF_{MSY} = 1.37$). A sensitivity run that looked at only decreasing indices indicated the species may be overfished ($F_{2011}/F_{MSY} = 0.96$, $SSF_{2011}/SSF_{MSY} = 0.58$). Two of the sensitivity runs attempted to examine the status of the Atlantic stock and the Gulf of Mexico stock. However, because the 2007 benchmark stock assessment for bonnethead sharks did not split the catch data and indices of abundance data between stocks, the 2013 assessment did not split the catch and indices of abundance data between stocks, which is different from what was done in the Atlantic sharpnose shark assessment. Thus, the sensitivity runs examining the Atlantic stock and the Gulf of Mexico stock used the respective biology for each stock but did not split the data or indices between the different stocks. Specifically, the Atlantic sensitivity analysis used the Atlantic stock biology with the combined Gulf of Mexico and Atlantic catch data and indices of abundance; the Gulf of Mexico sensitivity used the Gulf of

Mexico stock biology with the combined Gulf of Mexico and Atlantic catch data and indices of abundance. The sensitivity run using the Atlantic biology for the single stock found the stock was overfished and overfishing was occurring (F_{2011}/F_{MSY} = 1.09; SSF_{2011}/SSF_{MSY} = 0.73). The sensitivity run use the Gulf of Mexico biology for the single stock found the stock was not overfished and no overfishing was occurring (F_{2011}/F_{MSY} = 0.45; SSF_{2011}/SSF_{MSY} = 1.48).

The assessment found that, when assessed as single stock, the status of bonnethead sharks was not overfished and no overfishing was occurring. The scientists stressed that there is strong evidence for two separate stocks and that using the biology corresponding to the Atlantic for the assessment for a single stock led to a different conclusion on stock status (i.e., the stock was overfished and overfishing was occurring). None of the peer reviewers agreed with the determination of bonnethead sharks for the species as a single stock. The reviewers all felt that the species should have been split into two different stocks and analyzed in a manner that is similar to what was done with Atlantic sharpnose sharks. As such, based on these results and the peer reviews, NMFS decided to split the bonnethead shark species into two stocks—an Atlantic stock and a Gulf of Mexico stock—and determined that the status of both stocks is unknown.

In the upcoming Amendment 6 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan, NMFS will be considering implementing total allowable catches and commercial quotas for the non-blacknose SCS complexes in the Atlantic and Gulf of Mexico regions, which includes the sharpnose and bonnethead stocks, based on the results of the SEDAR 34 assessment. Pending such an Amendment, the separate Atlantic and Gulf of Mexico sharpnose and bonnethead shark stocks remain within the overall non-blacknose SCS management complex, with the quotas for the complex designated for this fishing year. Current regulations specify that ''[i]nseason and/or annual quota transfers of regional quotas between regions may be conducted only for species or management groups where the species are the same between regions and the quota is split between regions for management purposes and not as a result of a stock assessment.'' Although the non-blacknose SCS quota currently is split between regions for management purposes, transferring quota between the two regions would be inconsistent with accomplishing the objectives of the fishery management plan now that sharpnose and bonnethead have been split into separate stocks as a result of the stock assessment. Such a transfer would, essentially, disregard the scientific bases for splitting sharpnose and bonnethead sharks into two stocks, and there is no practicable way to analyze the impacts of and establish separate quotas for these stocks or the complex as a whole absent the amendment process. The next assessments for these two species are not yet scheduled but will include benchmark assessments for each stock.

Dated: September 2, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–21278 Filed 9–3–14; 11:15 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD462

Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training Activities in the Gulf of Alaska Temporary Maritime Activities Area

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

ACTION: Notice; receipt of application for letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the training activities conducted in the Gulf of Alaska Temporary Maritime Activities Area (GOA TMAA) from April 2016 through April 2021. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

DATES: Comments and information must be received no later than October 6, 2014.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing email comments is *ITP.Fiorentino@noaa.gov*. NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the Navy's application may be obtained by visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*. The Navy's Draft Supplemental Environmental Impact Statement (DSEIS) for the GOA TMAA was made available to the public on August 23, 2014. A 60-day public comment period is open through October 22, 2014. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: John Fiorentino, Office of Protected Resources, NMFS, (301) 427–8477.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specific geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not

reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

With respect to military readiness activities, the MMPA defines ''harassment'' as: ''(i) any act that injures or has the significant potential to injure a marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].''

Summary of Request

On July 28, 2014, NMFS received an application from the Navy requesting a Letter of Authorization (LOA) for the take of 19 species of marine mammals incidental to Navy training activities to be conducted in the Gulf of Alaska Temporary Maritime Activities Area (GOA TMAA) over 5 years. The Navy requests a 5-year LOA for training activities to be conducted from 2016 through 2021. The GOA TMAA is a polygon roughly the shape of a 300 nm by 150 nm rectangle oriented northwest to southeast in the long direction (see Figure 1–1 of the Navy's application for a map of the GOA TMAA). The activities conducted within the GOA TMAA are classified as military readiness activities. The Navy states that these activities may expose some of the marine mammals present within the GOA TMAA to sound from underwater acoustic sources and explosives. The Navy requests authorization to take 19 marine mammal species by Level B (behavioral) harassment; one of those marine mammal species (Dall's porpoise) may be taken by Level A (injury) harassment.

Description of the Specified Activity

In the application submitted to NMFS, the Navy requests authorization to take marine mammals incidental to conducting anti-surface warfare and anti-submarine warfare training activities. Detailed descriptions of these activities, including duration, location, and equipment involved, are provided in the Navy's application. The Navy has also prepared a Draft Supplemental Environmental Impact Statement (DSEIS) analyzing the effects on the human environment of implementing their preferred alternative (among others).

Information Solicited

Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). All input related to the Navy's GOA TMAA request and NMFS' role in governing the incidental taking of marine mammals will be considered by NMFS when developing, if appropriate, the most effective regulations governing the issuance of a Letter of Authorization.

Dated: August 29, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–21141 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD445

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Pier Replacement Project

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to construction activities as part of a pier replacement project. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to the Navy to incidentally take marine mammals, by Level B Harassment only, during the specified activity.

DATES: Comments and information must be received no later than October 6, 2014.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.Laws@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted to the Internet at *www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Availability

An electronic copy of the Navy's application and supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the Internet at: *www.nmfs.noaa.gov/pr/permits/incidental.htm.* In case of problems accessing these documents, please call the contact listed above.

National Environmental Policy Act (NEPA)

The Navy prepared an Environmental Assessment (EA; 2013) for its pier replacement project. We subsequently adopted the EA and signed our own Finding of No Significant Impact (FONSI) prior to issuing the first IHA for this project, in accordance with NEPA and the regulations published by the Council on Environmental Quality. Information in the Navy's application, the Navy's EA, and this notice collectively provide the environmental information related to proposed issuance of this IHA for public review and comment. All documents are available at the aforementioned Web site. We will review all comments submitted in response to this notice as we complete the NEPA process, including a decision of whether to reaffirm the existing FONSI, prior to a final decision on the incidental take authorization request.

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who

engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as ''any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].''

Summary of Request

On July 8, 2014, we received a request from the Navy for authorization to take marine mammals incidental to pile installation and removal associated with a pier replacement project in San Diego Bay at Naval Base Point Loma in San Diego, CA (NBPL), followed on July 14, 2014, by a draft monitoring report for activities conducted under the previous IHA issued for this project. We reviewed these documents and provided a request for additional information to the Navy on August 5, 2014; the Navy submitted revised versions of the request on August 14 and August 19, 2014, the latter of which we deemed adequate and complete. The pier replacement project is planned to occur over four years; this proposed IHA would cover only the second year of work and would be valid for a period of one year from the date of issuance. Hereafter, use of the generic term ''pile driving'' may refer to both pile installation and removal unless otherwise noted.

The use of both vibratory and impact pile driving is expected to produce underwater sound at levels that have the potential to result in behavioral harassment of marine mammals. Species with the expected potential to be present during all or a portion of the in-water work window include the California sea lion (*Zalophus californianus*), harbor seal (*Phoca vitulina richardii*), bottlenose dolphin (*Tursiops truncatus truncatus*), gray whale (*Eschrichtius robustus*), and either short-beaked or long-beaked common dolphins (*Delphinus* spp.). California sea lions are present year-round and are common in the project area, while bottlenose dolphins may be present year-round but sightings are highly variable in Navy marine mammal surveys of northern San Diego Bay. Harbor seals are also common but have limited occurrence in the project area in comparison with sea lions. Gray whales may be observed in San Diego Bay sporadically during migration periods. Common dolphins are known to occur in nearshore waters outside San Diego Bay, but are only rarely observed near or in the bay.

This would be the second such IHA, if issued, following the IHA issued effective from September 1, 2013, through August 31, 2014 (78 FR 44539). A monitoring report is available on the Internet at *www.nmfs.noaa.gov/pr/permits/incidental.htm* and provides environmental information related to proposed issuance of this IHA for public review and comment.

Description of the Specified Activity

Overview

NBPL provides berthing and support services for Navy submarines and other fleet assets. The existing fuel pier serves as a fuel depot for loading and unloading tankers and Navy underway replenishment vessels that refuel ships at sea (''oilers''), as well as transferring fuel to local replenishment vessels and other small craft operating in San Diego Bay, and is the only active Navy fueling facility in southern California. Portions of the pier are over one hundred years old, while the newer segment was constructed in 1942. The pier as a whole is significantly past its design service life and does not meet current construction standards.

Over the course of four years, the Navy plans to demolish and remove the existing pier and associated pipelines and appurtenances while simultaneously replacing it with a generally similar structure that meets relevant standards for seismic strength and is designed to better accommodate modern Navy ships. Demolition and construction are planned to occur in two phases to maintain the fueling capabilities of the existing pier while the new pier is being constructed. During the second year of construction (the specified activity considered under this proposed IHA), approximately 272 piles (18- to 36-in steel pipe piles) would be installed and 402 piles would be removed (via multiple methods) over the course of a maximum 135 in-water construction days. All steel piles will be driven with a vibratory hammer for their initial embedment depths and finished with an impact hammer, as necessary.

The proposed actions with the potential to incidentally harass marine mammals within the waters adjacent to NBPL are vibratory and impact pile installation and removal of piles via vibratory hammer or pneumatic chipper. Concurrent use of multiple pile driving rigs is not planned; however, pile removal conducted as part of demolition activities (which could occur via a number of techniques other than use of a vibratory hammer) is expected to occur concurrently with pile installation conducted as part of construction activities.

Dates and Duration

The entire project is scheduled to occur from 2013–17; the proposed activities that would be authorized by this IHA, during the second year of work, would occur for one year from the date of issuance of this proposed IHA. Under the terms of a memorandum of understanding (MOU) between the Navy and the U.S. Fish and Wildlife Service (FWS), all noise- and turbidity-producing in-water activities in designated least tern foraging habitat are to be avoided during the period when least terns are present and engaged in nesting and foraging (a window from approximately September 15 through April 1). However, the Navy is currently negotiating with FWS to extend that window and it is possible that in-water work, as described below, could occur at any time during the period of validity of this proposed IHA. The conduct of any such work would be subject to approval from FWS under the terms of

the MOU. We expect that in-water work would primarily occur during the October 1–April 1 period. In-water pile driving work would be limited to 135 days in total under this proposed IHA. Pile driving would occur during normal working hours (approximately 7 a.m. to 4 p.m.).

Specific Geographic Region

NBPL is located on the peninsula of Point Loma near the mouth and along the northern edge of San Diego Bay (see Figures 1–1 and 1–2 in the Navy's application). San Diego Bay is a narrow, crescent-shaped natural embayment oriented northwest-southeast with an approximate length of 24 km and a total area of roughly 4,500 ha. The width of the bay ranges from 0.3 to 5.8 km, and depths range from 23 m mean lower low water (MLLW) near the tip of Ballast Point to less than 2 m at the southern end (see Figure 2–1 of the Navy's application). San Diego Bay is a heavily urbanized area with a mix of industrial, military, and recreational uses. The northern and central portions of the bay have been shaped by historic dredging to support large ship navigation. Dredging occurs as necessary to maintain constant depth within the navigation channel. Outside the navigation channel, the bay floor consists of platforms at depths that vary slightly. Sediments in northern San Diego Bay are relatively sandy as tidal currents tend to keep the finer silt and clay fractions in suspension, except in harbors and elsewhere in the lee of structures where water movement is diminished. Much of the shoreline consists of riprap and manmade structures. San Diego Bay is heavily used by commercial, recreational, and military vessels, with an average of over 80,000 vessel movements (in or out of the bay) per year (not including recreational boating within the Bay) (see Table 2–2 of the Navy's application). For more information about the specific geographic region, please see section 2.3 of the Navy's application.

Detailed Description of Activities

In order to provide context, we described the entire project in our **Federal Register** notice of proposed authorization associated with the first-year IHA (78 FR 30873; May 23, 2013). Please see that document for an overview of the entire fuel pier replacement project, or see the Navy's Environmental Assessment (2013) for more detail. Here, we provide an overview of relevant construction methods before describing only the specific project portions scheduled for completion during the second work window. Approximately 498 piles in total are planned to be installed for the project, including steel, concrete, and plastic piles. For the second year of work, approximately 272 piles would be installed (all steel pipe piles, 18- to 36-in). Tables 1 and 2 detail the piles to be installed and removed, respectively, under this proposed IHA.

Methods, Pile Installation—Vibratory hammers, which can be used to either install or extract a pile, contain a system of counter-rotating eccentric weights powered by hydraulic motors and are designed in such a way that horizontal vibrations cancel out, while vertical vibrations are transmitted into the pile. The pile driving machine is lifted and positioned over the pile by means of an excavator or crane, and is fastened to the pile by a clamp and/or bolts. The vibrations produced cause liquefaction of the substrate surrounding the pile, enabling the pile to be extracted or driven into the ground using the weight of the pile plus the hammer. Impact hammers use a rising and falling piston to repeatedly strike a pile and drive it into the ground.

We generally require that vibratory driving be used to the maximum extent feasible, considering project design requirements and site conditions. Steel piles are typically vibratory-driven for their initial embedment depths or to refusal and finished with an impact hammer for proofing or until the pile meets structural requirements (potentially an approximate 25–125 blows), as necessary. Proofing involves striking a driven pile with an impact hammer to verify that it provides the required load-bearing capacity, as indicated by the number of hammer blows per foot of pile advancement. Non-steel piles—not planned for installation during this proposed activity—are typically impact-driven for their entire embedment depth, in part because non-steel piles are often displacement piles (as opposed to pipe piles) and require some impact to allow substrate penetration.

The Navy assumes that the contractor will drive approximately two steel piles per day, with each pile assumed to require up to two hours of driving, including 1–1.5 hours of vibratory pile driving and up to 0.5 hour of impact pile driving (if necessary).

Methods, Pile Removal—There are multiple methods for pile removal, including dry pulling, cutting at the mudline, jetting, and vibratory removal. Typically piles will be cut off at the mudline; however, the full length of the piles would be pulled at the area where the new approach segment would be constructed. An attempt will first be made to dry pull the piles with a barge-mounted crane. A vibratory hammer or a pneumatic chipper may be used to loosen the piles. Jetting (the application of a focused stream of water under high pressure) would be another option to loosen piles that could not be removed through the previous procedures. Existing caisson elements would be removed with a clamshell, which is a dredging bucket consisting of two similar halves that open/close at the bottom and are hinged at the top. The clamshell would be used to grasp and lift large components. When a wooden pile cannot be completely pulled out, the pile may be cut at the mudline using the clamshell's hydraulic jaws and/or a diver-operated underwater chainsaw, except for piles that are within the footprint of the approach pier, which may require jetting to remove. The majority of pile removal will likely not require the use of vibratory extraction and/or pneumatic chipping, and these methods are included here as contingency in the event other methods of extraction are not successful.

Indicator Pile Program (Fall 2014)—The Indicator Pile Program (IPP) was designed to validate the length of pile required and the method of installation (vibratory and impact). The original plan called for approximately twelve steel pipe piles (36- and 48-in diameter) to be driven in the new pier alignment to verify the driving conditions and establish the final driving lengths prior to fabrication of the final production piles that would be used to construct the new pier. However, the Navy determined that 36-in piles would likely be sufficient for structural requirements of the new fuel pier and conducted the IPP under the previous IHA with 30- and 36-in piles (see ''Results of Previous Monitoring'' below). The Navy drove nine piles (two 30-in and seven 36-in piles) and plans to conclude the IPP under this proposed IHA by driving an additional two 36-in steel pipe piles.

TABLE 1—DETAILS OF PILES TO BE INSTALLED

Purpose	Location	Planned timing	Planned number of days	Number per pile diameter (in)			
				18	24	30	36
Indicator Pile Program	Outboard side of existing pier	Fall 2014	1	0	0	0	2
Temporary dolphin	South of existing pier	Fall 2014	5	0	0	10	0
Temporary shoring piles	Existing pier approach and intersection.	Fall 2014	5	4	0	0	0
Temporary trestle piles	North of new approach trestle	Fall 2014	14	0	16	0	0
Abutment piles	New pier, along shoreline	Winter 2014–15	10	0	0	0	18
Approach pier	New pier footprint	Fall 2014–Spring 2015	90	0	0	0	104
Fuel pier	New pier footprint	Fall 2014		0	0	0	95
Permanent dolphins	North of existing pier	Spring 2015	10	0	0	23	0
Totals—272 piles		Fall 2014–Spring 2015	[1]135	4	16	33	219

[1] Numbers of piles, timing, and number of days associated with any particular component of work are subject to change. However, the total of 135 days in-water pile driving is an absolute maximum.

Temporary Structures—The Navy plans to install a number of temporary piles in order to maintain fuel pier function during the demolition/construction work. A temporary mooring dolphin (a structure that extends above the water level and is not connected to shore or other structures, and are often used to extend mooring capacity of a pier) will be constructed to allow vessels to berth and load/unload fuel on the existing south segment while the north segment of the existing pier is under demolition.

Permanent Structures—Initial work for construction of the new pier is planned to begin during the period of this proposed IHA, including construction of abutments at the shoreside end of the approach segment for the new fuel pier and construction of the pier itself. The latter will include work on the ramped approach pier (lower and upper deck), two mooring dolphins, and the double-deck fueling pier.

Demolition—Following construction of temporary structures and as construction of the new pier proceeds, demolition of the north segment of the existing pier will be conducted. Much of the demolition work will be above-water, involving removal of decking, utilities, and appurtenances, but in-water structure removal will also occur, as described above under ''Methods, Pile Removal.'' Demolition work planned during the period of this proposed IHA is expected to require 84 days in total. Any of the previously-described methodologies could be employed for in-water demolition work; however, the Navy anticipates that those methodologies producing underwater sound with the potential to cause incidental harassment of marine mammals would only be required for approximately one-quarter of the total effort. In-water demolition would always occur concurrently with in-water pile installation; therefore, sound produced through in-water demolition would always be subsumed by that produced through in-water pile installation. Pile removal activities are not carried forward through the take estimation process (see ''Estimated Incidental Take''). Pile removal using no-impact methods (e.g., dry pull) may continue outside the in-water work window.

TABLE 2—DETAILS OF PILES TO BE REMOVED

Pile type	Number
Concrete fender piles (14-, 18-, and 24-in)	65
Plastic fender piles (13-in)	29
Timber piles (12-in)	286
Concrete-filled steel caissons	22
Total	402

Description of Work Accomplished

During the first in-water work season, two primary activities were conducted: Relocation of the Marine Mammal Program and the IPP.

The Navy Marine Mammal Program, administered by Space and Naval Warfare Systems Command (SPAWAR) Systems Center (SSC), was moved approximately three kilometers to the Naval Mine and Anti-submarine Warfare Command (NMAWC; see Figures 1–1 and 1–2 of the Navy's monitoring report). Although not subject to the MMPA, SSC's working animals were temporarily relocated so that they will not be affected by the project. Over the course of 25 in-water construction days from January 28 to March 13, 2014, the Navy removed thirty and installed 81 concrete piles (12- and 16-in). See Table 3–2 of the Navy's monitoring report for details. Installation was accomplished via a D19–42 American Pile Driving Equipment, Inc. (APE) diesel hammer with energy capacity of 23,566–42,800 ft-lbs and fitted with a hydraulic tripping cylinder with four adjustable power settings that could be reset while driving. Pile removal was accomplished by jetting and dead pull.

The IPP was described above. Nine steel pipe test piles were vibratory- and impact-driven over ten work days from April 28 to May 15, 2014, including two 30-in and seven 36-in piles. For the IPP all piles were initially installed initially using an APE Variable Moment 250 VM Vibratory Hammer Extractor powered by a model 765 hydraulic power source creating a maximum driving force of 2,389 kilonewtons (269 tons). Impact pile driving equipment consisted of a single acting diesel impact hammer model D62–22 DELMAG with energy capacity of 76,899–153,799 ft-lbs and fitted with a hydraulic tripping cylinder with four adjustable power settings that could be reset while driving. Two more 36-in piles are planned under the currently proposed IHA for conclusion of the IPP.

Description of Marine Mammals in the Area of the Specified Activity

There are five marine mammal species which are either resident, have known seasonal occurrence, or have been observed recently in San Diego Bay, including the California sea lion, harbor seal, bottlenose dolphin, common dolphin, and gray whale. Note that common dolphins could be either short-beaked (*Delphinus delphis delphis*) or long-beaked (*D. capensis capensis*). While it is likely that common dolphins observed in the project area would be long-beaked, as it is the most frequently stranded species in the area from San Diego Bay to the

U.S.-Mexico border (Danil and St. Leger, 2011), the species distributions overlap and it is unlikely that observers would be able to differentiate them in the field. Therefore, we consider that any common dolphins observed—and any incidental take of common dolphins—could be either species. Navy records and other survey results indicate that other species that occur in the Southern California Bight may have the potential for isolated occurrence within San Diego Bay or just offshore. The Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) has been sighted along a previously used transect on the opposite side of the Point Loma peninsula (Merkel and Associates, 2008). Risso's dolphin (*Grampus griseus*) is fairly common in southern California coastal waters (e.g., Campbell *et al.,* 2010), but has not been seen in San Diego Bay. These species have not been observed near the project area and are not expected to occur there, and, given the unlikelihood of their exposure to sound generated from the project, are not considered further.

We have reviewed the Navy's detailed species descriptions, including life history information, for accuracy and completeness and refer the reader to Sections 3 and 4 of the Navy's application instead of reprinting the information here. Please also refer to NMFS' Web site (*www.nmfs.noaa.gov/pr/species/mammals*) for generalized species accounts and to the Navy's Marine Resource Assessment for the Southern California and Point Mugu Operating Areas, which provides information regarding the biology and behavior of the marine resources that may occur in those operating areas (DoN, 2008). The document is publicly available at *www.navfac.navy.mil/products_and_services/ev/products_and_services/marine_resources/marine_resource_assessments.html* (accessed August 23, 2014). In addition, we provided information for the potentially affected stocks, including details of stock-wide status, trends, and threats, in our **Federal Register** notice of proposed authorization associated with the first-year IHA (78 FR 30873; May 23, 2013) and refer the reader to that document rather than reprinting the information here.

Table 3 lists the marine mammal species with expected potential for occurrence in the vicinity of NBPL during the project timeframe and summarizes key information regarding stock status and abundance. See also Figure 3–2 of the Navy's application for observed occurrence of marine mammals in the project area. Taxonomically, we follow Committee on Taxonomy (2014). Please see NMFS' Stock Assessment Reports (SAR), available at *www.nmfs.noaa.gov/pr/sars,* for more detailed accounts of these stocks' status and abundance. All potentially affected species are addressed in the Pacific SARs (Carretta *et al.,* 2014).

TABLE 3—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF NBPL

Species	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR [3]	Annual M/SI [4]	Relative occurrence in San Diego Bay; season of occurrence
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray whale	Eastern North Pacific	—; N	19,126 (0.071; 18,017; 2007).	558	[6] 127	Rare migratory visitor; late winter.
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Bottlenose dolphin	California coastal	—; N	323 [5] (0.13; 290; 2005)	2.4	0.2	Occasional; year-round.
Short-beaked common dolphin.	California/Oregon/Washington.	—; N	411,211 (0.21; 343,990; 2008).	3,440	64	Rare; year-round (but more common in warm season).
Long-beaked common dolphin.	California	—; N	107,016 (0.42; 76,224; 2009).	610	13.8	Rare; year-round (but more common in warm season).
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	U.S.	—; N	296,750 (n/a; 153,337; 2008).	9,200	≥431	Abundant; year-round.
Family Phocidae (earless seals):						
Harbor seal	California	—; N	30,196 (0.157; 26,667; 2009).	1,600	31	Uncommon and localized; year-round.

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (—) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR (see footnote 3) or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks of pinnipeds, abundance estimates are based upon observations of animals (often pups) ashore multiplied by some correction factor derived from knowledge of the specie's (or similar species') life history to arrive at a best abundance estimate; therefore, there is no associated CV. In these cases, the minimum abundance may represent actual counts of all animals ashore.

[3] Potential biological removal, defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population size (OSP).

[4] These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, subsistence hunting, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value.

[5] This value is based on photographic mark-recapture surveys conducted along the San Diego coast in 2004–05, but is considered a likely underestimate, as it does not reflect that approximately 35 percent of dolphins encountered lack identifiable dorsal fin marks (Defran and Weller, 1999). If 35 percent of all animals lack distinguishing marks, then the true population size would be closer to 450–500 animals (Carretta *et al.,* 2014).

[6] Includes annual Russian harvest of 123 whales.

California Sea Lion

The California sea lion is by far the most commonly-sighted pinniped species at sea or on land in the vicinity of NBPL and northern San Diego Bay, where there is a resident non-breeding population. California sea lions regularly occur on rocks, buoys and other structures, and especially on the bait barges present in the bay adjacent to NBPL (see Figure 4–1 of the Navy's application), although numbers vary greatly as individuals move between the bay and rookeries on offshore islands. Different age classes of California sea lions are found in the San Diego region throughout the year (Lowry *et al.,* 1992), although Navy surveys show that the local population comprises adult females and subadult males and females, with adult males being uncommon. The Navy has conducted marine mammal surveys throughout the north San Diego Bay project area (Merkel and Associates, 2008; Johnson, 2010, 2011; Lerma, 2012, 2014). Sightings include all animals observed and their locations (using geographical positioning systems). The majority of observations are of animals hauled out.

Harbor Seal

Harbor seals are relatively uncommon within San Diego Bay, and do not have a significant mainland California distribution south of Point Mugu. Sightings in the Navy transect surveys of northern San Diego Bay cited above have generally been limited to individuals outside of the project area, on the south side of Ballast Point. The haul-out area south of Ballast Point is only temporary with overwash of the rocks occurring daily; primary local harbor seal haul-outs are in La Jolla. With heavy vessel traffic and noise in the project area, it is likely that harbor seals seen outside the project area at Ballast Point move toward Point Loma and preferred foraging habitat rather than actively foraging in or transiting the project area on a frequent basis. However, Navy marine mammal monitoring for another project conducted intermittently from 2010–12 documented several harbor seals near Pier 122 (within the project area) at various times, with the greatest number of sightings during April and May. Subsequently, Navy monitoring conducted during year one of the fuel pier project documented increased numbers of harbor seals in the project area (Lerma, 2014). Approximately three-quarters of these observations were of animals hauled out along the NBPL shoreline.

Gray Whale

Two populations of gray whales are recognized, Eastern and Western North Pacific (ENP and WNP). ENP whales breed and calve primarily in areas off Baja California and in the Gulf of California. From February to May, whales typically migrate northbound to summer/fall feeding areas in the Chukchi and northern Bering Seas, with the southbound return to calving areas typically occurring in November and December. WNP whales are known to feed in the Okhotsk Sea and off of Kamchatka before migrating south to poorly known wintering grounds, possibly in the South China Sea.

The two populations have historically been considered geographically isolated from each other; however, recent data from satellite-tracked whales indicates that there is some overlap between the stocks. Two WNP whales were tracked from Russian foraging areas along the Pacific rim to Baja California (Mate *et al.,* 2011), and, in one case where the satellite tag remained attached to the whale for a longer period, a WNP whale was tracked from Russia to Mexico and back again (IWC, 2012). Between 22–24 WNP whales are known to have occurred in the eastern Pacific through comparisons of ENP and WNP photo-identification catalogs (IWC, 2012; Weller *et al.,* 2011; Burdin *et al.,* 2011), and WNP animals comprised 8.1 percent of gray whales identified during a recent field season off of Vancouver Island (Weller *et al.,* 2012). In addition, two genetic matches of WNP whales have been recorded off of Santa Barbara, CA (Lang *et al.,* 2011). More recently, Urban *et al.* (2013) compared catalogs of photo-identified individuals from Mexico with photographs of whales off Russia and reported a total of 21 matches. Therefore, a portion of the WNP population is assumed to migrate, at least in some years, to the eastern Pacific during the winter breeding season.

However, only ENP whales are expected to occur in the project area. The likelihood of any gray whale being exposed to project sound to the degree considered in this document is already low, as it would require a migrating whale to linger for an extended period of time, or for multiple migrating whales to linger for shorter periods of time. While such an occurrence is not unknown, it is uncommon. Further, of the approximately 20,000 gray whales migrating through the Southern California Bight, it is extremely unlikely that one found in San Diego Bay would be one of the approximately twenty WNP whales that have been documented in the eastern Pacific (less than one percent probability). The likelihood that a WNP whale would be exposed to elevated levels of sound from the specified activities is insignificant and discountable and WNP whales are not considered further in this document.

Peak abundance of gray whales off the coast of San Diego is typically during January during the southbound migration and in March as whales return north, although females with calves, which depart Mexico later than males or females without calves, can be sighted from March through May or June (Leatherwood, 1974; Poole, 1984; Rugh *et al.,* 2001). Gray whales are not expected in the project area except during the northward migration, when they are closest to the coast and may be infrequently observed offshore of San Diego Bay (Rice *et al.,* 1981). Migrating gray whales that do transit nearshore waters would likely be traveling, rather than foraging, and would likely be present only briefly at typical travel speeds of 3 kn (Perryman *et al.,* 1999, Mate and Urbán-Ramirez, 2003). Gray whales are known to occur near the mouth of San Diego Bay, and occasionally enter the bay. However, their occurrence in San Diego Bay is sporadic and unpredictable. In recent years, local records show that solitary individuals have entered the bay and remained for varying lengths of time during March 2009, April 2010, and July 2011. Navy field notes show an occurrence of one gray whale that lingered in the northern part of the bay for two weeks.

Bottlenose Dolphin

As seen in the Navy's marine mammal surveys of San Diego Bay, cited above, coastal bottlenose dolphins have occurred within San Diego Bay sporadically and in variable numbers and locations. California coastal bottlenose dolphins show little site fidelity and likely move within their

home range in response to patchy concentrations of nearshore prey (Defran *et al.,* 1999, Bearzi *et al.,* 2009). After finding concentrations of prey, animals may then forage within a more limited spatial extent to take advantage of this local accumulation until such time that prey abundance is reduced, likely then shifting location once again and possibly covering larger distances. Navy surveys frequently result in no observations of bottlenose dolphins, and sightings have ranged from 0–8 groups observed (0–40 individuals).

Common Dolphin

Common dolphins are present in the coastal waters outside of San Diego Bay, but are considered to be an intermittent and transient visitor to the bay itself and had not been observed within the bay during Navy surveys conducted prior to the project. However, common dolphins were observed within the bay on three occasions (twelve, five, and two individuals) on two separate days during monitoring conducted during the IPP. Sightings of long-beaked common dolphins are predominantly near shore, whereas those of short-beaked common dolphins extend throughout the coastal and offshore waters (Carretta *et al.* 2014). The long-beaked common dolphin has been documented during Navy training exercises just offshore and to the south of San Diego Bay (Danil and St. Leger, 2011), whereas the short-beaked species has not.

Potential Effects of the Specified Activity on Marine Mammals

This section is intended to provide a summary and discussion of the ways that components of the specified activity may impact marine mammals. This discussion includes reactions that we consider to rise to the level of a take and those that we do not consider to rise to the level of a take (for example, with acoustics, we may include a discussion of studies that showed animals not reacting at all to sound or exhibiting barely measurable avoidance). This information is provided as a background of potential effects and does not consider either the specific manner in which this activity will be carried out or the mitigation that will be implemented, and how either of those will shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Proposed Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

In our **Federal Register** notice of proposed authorization associated with the first-year IHA (78 FR 30873; May 23, 2013), we described in detail the potential effects of the Navy's proposed activity on marine mammals, including general background information on sound and marine mammal hearing and a description of sound sources and ambient sound. Rather than reprint the information here, we refer the reader to that document. However, because these terms are used frequently in this document, we provide brief definitions of relevant acoustic terminology below:

- Sound Pressure Level (SPL): Sound pressure is the force per unit area, usually expressed in microPascals (μPa), where one Pascal equals one Newton exerted over an area of one square meter. The SPL is expressed in decibels (dB) as twenty times the logarithm to the base ten of the ratio between the pressure exerted by the sound to a referenced sound pressure. SPL is the quantity that is directly measured by a sound level meter. For underwater sound, SPL in dB is referenced to one microPascal (re 1 μPa), unless otherwise stated. For airborne sound, SPL in dB is referenced to 20 microPascals (re 20 μPa), unless otherwise stated.
- Frequency: Frequency is expressed in terms of oscillations, or cycles, per second. Cycles per second are commonly referred to as hertz (Hz). Typical human hearing ranges from 20 Hz to 20 kilohertz (kHz).
- Peak sound pressure: The instantaneous maximum of the absolute positive or negative pressure over the frequency range from 20 Hz to 20 kHz and presented in dB.
- Root mean square SPL: For impact pile driving, overall dB rms levels are characterized by integrating sound for each waveform across ninety percent of the acoustic energy in each wave and averaging all waves in the pile driving event. This value is referred to as the rms 90%. With this method, the time averaging per pulse varies.
- Sound Exposure Level (SEL): A measure of energy, specifically the dB level of the time integral of the squared-instantaneous sound pressure, normalized to a one second period. It is a useful metric for assessing cumulative exposure because it enables sounds of differing duration, to be compared in terms of total energy. The accumulated SEL (SEL_{cum}) is used to describe the SEL from multiple events (e.g., many pile strikes). This can be calculated directly as a logarithmic sum of the individual single-strike SELs for the pile strikes that were used to install the pile.
- Level Z weighted (unweighted), equivalent (LZ_{eq}): LZ_{eq} is a value recorded by the SLM that represents SEL SPL over a specified time period or interval. The LZeq is most typically referred to in one-second intervals or over an entire event.
- Level Z weighted (unweighted), fast (LZF_{max}): LZF_{max} is a value recorded by the SLM that represents the maximum rms value recorded for any 125 millisecond time frame during each individual recording.

Anticipated Effects on Habitat

In our **Federal Register** notice of proposed authorization associated with the first-year IHA (78 FR 30873; May 23, 2013), we described in detail the anticipated effects of the Navy's proposed activity on marine mammal habitat, including effects to prey and to foraging habitat. Rather than reprint the information here, we refer the reader to that document.

In summary, given the short daily duration of sound associated with individual pile driving events and the relatively small areas being affected, pile driving activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. The area around NBPL is heavily altered with significant levels of industrial and recreational activity, and is unlikely to harbor significant amounts of forage fish. Thus, any impacts to marine mammal habitat are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

The mitigation strategies described below largely follow those required and successfully implemented under the first-year IHA. For this proposed IHA,

data from acoustic monitoring conducted during the first year of work was used to estimate zones of influence (ZOIs; see ''Estimated Take by Incidental Harassment''); these values were used to develop mitigation measures for pile driving activities at NBPL. The ZOIs effectively represent the mitigation zone that would be established around each pile to prevent Level A harassment to marine mammals, while providing estimates of the areas within which Level B harassment might occur. In addition to the measures described later in this section, the Navy would employ the following standard mitigation measures:

(a) Conduct briefings between construction supervisors and crews, marine mammal monitoring team, acoustical monitoring team, and Navy staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

(b) For in-water heavy machinery work with the potential to affect marine mammals (other than pile driving), if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include the following activities: (1) Movement of the barge to the pile location and (2) removal of the pile from the water column/substrate via a crane (i.e., dead pull). For these activities, monitoring would take place from 15 minutes prior to initiation until the action is complete.

Monitoring and Shutdown for Pile Driving

The following measures would apply to the Navy's mitigation through shutdown and disturbance zones:

Shutdown Zone—For all pile driving and removal activities, the Navy will establish a shutdown zone intended to contain the area in which SPLs equal or exceed the 180/190 decibel (dB) root mean square (rms) acoustic injury criteria. The purpose of a shutdown zone is to define an area within which shutdown of activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area), thus preventing injury of marine mammals (serious injury or death are unlikely outcomes even in the absence of mitigation measures). Radial distances for shutdown zones are shown in Table 7. For certain activities, the shutdown zone would not exist because source levels are lower than the threshold, or the source levels indicate that the radial distance to the threshold would be less than 10 m. However, a minimum shutdown zone of 10 m will be established during all pile driving and removal activities, regardless of the estimated zone. These precautionary measures are intended to prevent the already unlikely possibility of physical interaction with construction equipment and to establish a precautionary minimum zone with regard to acoustic effects.

Disturbance Zone—Disturbance zones are the areas in which SPLs equal or exceed 160 and 120 dB rms (for impulse and continuous sound, respectively). Disturbance zones provide utility for monitoring conducted for mitigation purposes (i.e., shutdown zone monitoring) by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring of disturbance zones enables observers to be aware of and communicate the presence of marine mammals in the project area but outside the shutdown zone and thus prepare for potential shutdowns of activity. However, the primary purpose of disturbance zone monitoring is for documenting incidents of Level B harassment; disturbance zone monitoring is discussed in greater detail later (see ''Proposed Monitoring and Reporting''). Nominal radial distances for disturbance zones are shown in Table 7.

In order to document observed incidences of harassment, monitors record all marine mammal observations, regardless of location. The observer's location, as well as the location of the pile being driven, is known from a GPS. The location of the animal is estimated as a distance from the observer, which is then compared to the location from the pile. If acoustic monitoring is being conducted for that pile, a received SPL may be estimated, or the received level may be estimated on the basis of past or subsequent acoustic monitoring. It may then be determined whether the animal was exposed to sound levels constituting incidental harassment in post-processing of observational and acoustic data, and a precise accounting of observed incidences of harassment created. Therefore, although the predicted distances to behavioral harassment thresholds are useful for estimating incidental harassment for purposes of authorizing levels of incidental take, actual take may be determined in part through the use of empirical data.

Monitoring Protocols—Monitoring would be conducted before, during, and after pile driving activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven. Observations made outside the shutdown zone will not result in shutdown; that pile segment would be completed without cessation, unless the animal approaches or enters the shutdown zone, at which point all pile driving activities would be halted. Monitoring will take place from fifteen minutes prior to initiation through thirty minutes post-completion of pile driving activities. Pile driving activities include the time to remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than thirty minutes. Please see the Acoustic and Marine Species Monitoring Plan (available at *www.nmfs.noaa.gov/pr/permits/incidental.htm*) for full details of the monitoring protocols.

The following additional measures apply to visual monitoring:

(1) Monitoring will be conducted by qualified observers, who will be placed at the best vantage point(s) practicable (as defined in the Marine Mammal Monitoring Plan) to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator. Qualified observers are trained biologists, with the following minimum qualifications:

- Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with ability to estimate target size and distance; use of binoculars may be necessary to correctly identify the target;
- Advanced education in biological science or related field (undergraduate degree or higher is required);
- Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience);
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown

zone; and marine mammal behavior; and

• Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

(2) Prior to the start of pile driving activity, the shutdown zone will be monitored for fifteen minutes to ensure that it is clear of marine mammals. Pile driving will only commence once observers have declared the shutdown zone clear of marine mammals; animals will be allowed to remain in the shutdown zone (i.e., must leave of their own volition) and their behavior will be monitored and documented. The shutdown zone may only be declared clear, and pile driving started, when the entire shutdown zone is visible (i.e., when not obscured by dark, rain, fog, etc.). In addition, if such conditions should arise during impact pile driving that is already underway, the activity would be halted.

(3) If a marine mammal approaches or enters the shutdown zone during the course of pile driving operations, activity will be halted and delayed until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or fifteen minutes have passed without re-detection of the animal. Monitoring will be conducted throughout the time required to drive a pile.

Sound Attenuation Devices

The use of bubble curtains to reduce underwater sound from impact pile driving was considered prior to the start of the project but was determined to not be practicable. Use of a bubble curtain in a channel with substantial current may not be effective, as unconfined bubbles are likely to be swept away and confined curtain systems may be difficult to deploy effectively in high currents. Data gathered during monitoring of construction on the San Francisco-Oakland Bay Bridge indicated that no reduction in the overall linear sound level resulted from use of a bubble curtain in deep water with relatively strong current, and the distance to the 190 dB zone was considered to be the same with and without the bubble curtain (Illingworth & Rodkin, 2001). During project monitoring for pile driving associated with the Richmond-San Rafael Bridge, also in San Francisco Bay, it was observed that performance in moderate current was significantly reduced (Oestman *et al.,* 2009). Lucke *et al.* (2011) also note that the effectiveness of most currently used curtain designs may be compromised in stronger currents and greater water depths. We believe that conditions (relatively deep water and strong tidal currents of up to 3 kn) at the project site would disperse the bubbles and compromise the effectiveness of sound attenuation.

Timing Restrictions

In-order to avoid impacts to least tern populations when they are most likely to be foraging and nesting, in-water work will be concentrated from October 1–March 31. However, this limitation is in accordance with agreements between the Navy and FWS, and is not a requirement of this proposed IHA. All in-water construction activities would occur only during daylight hours (sunrise to sunset).

Soft-Start

The use of a soft start procedure is believed to provide additional protection to marine mammals by warning or providing a chance to leave the area prior to the hammer operating at full capacity, and typically involves a requirement to initiate sound from the hammer at reduced energy followed by a waiting period. This procedure is repeated two additional times. It is difficult to specify the reduction in energy for any given hammer because of variation across drivers and, for impact hammers, the actual number of strikes at reduced energy will vary because operating the hammer at less than full power results in ''bouncing'' of the hammer as it strikes the pile, resulting in multiple ''strikes.'' The project will utilize soft start techniques for both impact and vibratory pile driving. We require the Navy to initiate sound from vibratory hammers for fifteen seconds at reduced energy followed by a thirty-second waiting period, with the procedure repeated two additional times. For impact driving, we require an initial set of three strikes from the impact hammer at reduced energy, followed by a thirty-second waiting period, then two subsequent three strike sets. Soft start will be required at the beginning of each day's pile driving work and at any time following a cessation of pile driving of thirty minutes or longer (specific to either vibratory or impact driving).

We have carefully evaluated the Navy's proposed mitigation measures and considered their effectiveness in past implementation to preliminarily determine whether they are likely to effect the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another: (1) The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals, (2) the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and (3) the practicability of the measure for applicant implementation.

Any mitigation measure(s) we prescribe should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

(1) Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

(2) A reduction in the number (total number or number at biologically important time or location) of individual marine mammals exposed to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing takes by behavioral harassment only).

(3) A reduction in the number (total number or number at biologically important time or location) of times any individual marine mammal would be exposed to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing takes by behavioral harassment only).

(4) A reduction in the intensity of exposure to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing the severity of behavioral harassment only).

(5) Avoidance or minimization of adverse effects to marine mammal habitat, paying particular attention to the prey base, blockage or limitation of passage to or from biologically important areas, permanent destruction of habitat, or temporary disturbance of habitat during a biologically important time.

(6) For monitoring directly related to mitigation, an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the Navy's proposed measures, as well as any other potential measures that may be relevant to the specified activity, we have preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for incidental take authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area.

Any monitoring requirement we prescribe should improve our understanding of one or more of the following:

- Occurrence of marine mammal species in action area (e.g., presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (e.g., source characterization, propagation, ambient noise); (2) Affected species (e.g., life history, dive patterns); (3) Co-occurrence of marine mammal species with the action; or (4) Biological or behavioral context of exposure (e.g., age, calving or feeding areas).
- Individual responses to acute stressors, or impacts of chronic exposures (behavioral or physiological).
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of an individual; or (2) Population, species, or stock.
- Effects on marine mammal habitat and resultant impacts to marine mammals.
- Mitigation and monitoring effectiveness.

Please see the Acoustic and Marine Species Monitoring Plan (available at *www.nmfs.noaa.gov/pr/permits/incidental.htm*) for full details of the requirements for monitoring and reporting. Notional monitoring locations (for biological and acoustic monitoring) are shown in Figure 3–1 of the Plan. The purpose of this Plan is to provide protocols for acoustic and marine mammal monitoring implemented during pile driving and removal activities associated with the completion of the IPP, as well as the initial production phase of the fuel pier replacement. We have preliminarily determined this monitoring plan, which is summarized here and which largely follows the monitoring strategies required and successfully implemented under the first-year IHA, to be sufficient to meet the MMPA's monitoring and reporting requirements. The previous monitoring plan was modified to integrate adaptive changes to the monitoring methodologies as well as updates to the scheduled construction activities. Monitoring objectives are as follows:

- Monitor in-water construction activities: (1) Implement in-situ acoustic monitoring efforts to continue to measure SPLs from in-water construction activities not previously monitored or validated during the previous IHA; (2) collect and evaluate acoustic sound levels for ten percent of the pile driving activities conducted along the outboard section of the fuel pier sufficient to confirm measured contours associated with the acoustic ZOIs; (3) collect acoustic sound recordings sufficient to document sound source levels for vibratory and pneumatic chipping activities for the first ten percent of the proposed piles to be removed along the outboard section.
- Monitor marine mammal occurrence and behavior during in-water construction activities to minimize marine mammal impacts and effectively document marine mammals occurring within ZOI boundaries.
- Continue the collection of ambient underwater sound measurements in the absence of project activities to develop a rigorous baseline for the project area.

Acoustic Measurements

The primary purpose of acoustic monitoring is to empirically verify modeled injury and behavioral disturbance zones (defined at radial distances to NMFS-specified thresholds of 160-, 180-, and 190-dB (rms) for underwater sound (where applicable) and 90- and 100-dB (unweighted) for airborne sound; see ''Estimated Take by Incidental Harassment'' below). For non-pulsed sound, distances will be determined for attenuation to the point at which sound becomes indistinguishable from background levels. Empirical acoustic monitoring data will be used to document transmission loss values determined from measurements collected during the IPP and examine site-specific differences in SPL and affected ZOIs on an as needed basis.

Should monitoring results indicate it is appropriate to do so, marine mammal mitigation zones would be revised as necessary to encompass actual ZOIs in subsequent years of the fuel pier replacement project. Acoustic monitoring will be conducted as specified in the approved Acoustic and Marine Species Monitoring Plan. Please see Table 2–2 of the Plan for a list of equipment to be used during acoustic monitoring.

Some details of the methodology include:

- Hydroacoustic monitoring for vibratory and impact driving of steel piles in areas bayward of the existing fuel pier will occur during the first ten percent of all pile driving events in order to document SPLs at the measured distances to the injury isopleths. In conjunction with measurements of SPLs at the source (10 m) and shutdown (approximately 300 m, or intermediate of the pinniped and cetacean shutdown ZOIs) monitoring locations, there will also be intermittent verification of the disturbance ZOIs throughout pile driving. Of the ten percent of pile driving events acoustically measured, one hundred percent of the data will be analyzed. The resulting data set will be analyzed to examine and confirm SPLs and rates of transmission loss for each separate in-water construction activity. The Navy will also conduct acoustic monitoring for pile removal activities that utilize equipment and/or methods not previously evaluated (e.g., vibratory removal and pneumatic chipping).
- For underwater recordings, sound level meter systems will follow methods in accordance with NMFS' 2012 guidance for the collection of source levels.
- For airborne recordings, to the extent that logistics and security allow, reference recordings will be collected at approximately 15 m from the source via a sound meter with integrated microphone. Other distances may also be utilized to obtain better data if the signal cannot be isolated clearly due to other sound sources (e.g., barges or generators).
- Hydrophones will be placed using a static line deployed from a stationary (temporarily moored) vessel. Locations of acoustic recordings will be collected via GPS. A depth sounder and/or weighted tape measure will be used to determine the depth of the water. The hydrophone will be attached to a weighted nylon cord to maintain a constant depth.
- Each hydrophone (underwater) and microphone (airborne) will be calibrated at the start of the monitoring time frame and applicable systems will be checked at the beginning of each day of monitoring activity.
- For each monitored location, a hydrophone will be deployed at mid-depth in order to evaluate site specific attenuation and propagation characteristics.

• In order to determining the area encompassed by the relevant isopleths for marine mammals, hydrophones will collect data at various distances from the source to accurately capture deviations in the pressure levels as well as examine geospatial differences in the spreading loss model caused by physical conditions and bathymetric properties throughout the sound field.

• Ambient conditions, both airborne and underwater, will be measured at the project site in the absence of construction activities to determine background sound levels. Ambient levels will be recorded over the frequency range from 7 Hz to 20 kHz. Ambient conditions will be recorded at least three times during the IHA period consistent with NMFS' 2012 guidance for the measurement of ambient sound. Each time, data will be collected for eight-hour periods for three days during typical working hours (7:00 a.m. to 4:00 p.m., Monday through Friday) in the absence of in-water construction activities. The three recording periods will be spaced to adequately capture variation across the notional work window (October–March).

• Underwater SPLs would be measured at the source and at the shutdown ZOIs for the entire duration of each recoded event. The SPLs will be monitored in real time by observing the LZ_{eq} (1 sec) expressed in dB during each pile driving event. Acoustic data recordings will be post-processed to determine maximum rms SPLs. Sound levels will be measured in Pascals (a unit of pressure), which are easily converted to dB.

• Airborne levels would be recorded as unweighted in dB and the distance to marine mammal behavioral disturbance thresholds would be calculated.

• Environmental data would be collected including but not limited to: Wind speed and direction, air temperature, humidity, surface water temperature, water depth, wave height, weather conditions and other factors that could contribute to influencing the airborne and underwater sound levels (e.g., aircraft, boats).

• The monitoring coordinator will supply the acoustics specialist with the substrate composition, hammer model and size, hammer energy settings and any changes to those settings during the piles being monitored, depth of the pile being driven, and blows per foot for the piles monitored.

• For acoustically monitored piles, data from the continuous monitoring locations (10 m and ~300 m from source) will be post-processed to obtain the maximum peak pressure level recorded for all the strikes associated with each pile, expressed in dB. This maximum value will originate from the phase of pile driving during which hammer energy was also at maximum (referred to as Level 4).

• From all the strikes associated with each pile occurring during the Level 4 phase these additional measures will be made:

○ Mean, minimum, and maximum rms pressure level in dB

○ mean duration of a pile strike (based on the ninety percent energy criterion)

○ number of hammer strikes

○ mean, minimum, and maximum single strike Sound Exposure Level (SEL) in [dB re μPa^2 sec]

○ cumulative SEL as defined by the mean single strike SEL + 10*log (# hammer strikes) in [dB re μPa^2 sec]

○ A frequency spectrum (pressure spectral density) in [dB re μPa^2 per Hz] based on the average of up to eight successive strikes with similar sound. Spectral resolution will be 1 Hz and the spectrum will cover nominal range from 7 Hz to 20 kHz.

Visual Marine Mammal Observations

The Navy will collect sighting data and behavioral responses to construction for marine mammal species observed in the region of activity during the period of activity. All observers will be trained in marine mammal identification and behaviors and are required to have no other construction-related tasks while conducting monitoring. The Navy will monitor the shutdown zone and disturbance zone before, during, and after pile driving as described under ''Proposed Mitigation'' and in the Acoustic and Marine Species Monitoring Plan, with observers located at the best practicable vantage points. Notional monitoring locations are shown in Figures 3–1 of the Navy's Plan. Please see that plan, available at *www.nmfs.noaa.gov/pr/permits/incidental.htm,* for full details of the required marine mammal monitoring. Based on our requirements, the Navy would implement the following procedures for pile driving:

• MMOs would be located at the best vantage point(s) in order to properly see the entire shutdown zone and as much of the disturbance zone as possible.

• During all observation periods, observers will use binoculars and the naked eye to search continuously for marine mammals.

• If the shutdown zones are obscured by fog or poor lighting conditions, pile driving at that location will not be initiated until that zone is visible. Should such conditions arise while impact driving is underway, the activity would be halted.

• The shutdown and disturbance zones around the pile will be monitored for the presence of marine mammals before, during, and after any pile driving or removal activity.

One MMO will be placed on the active pile driving rig in order to observe the respective shutdown zones for vibratory and impact pile driving. Monitoring would be primarily dedicated to observing the shutdown zone; however, MMOs would record all marine mammal sightings beyond these distances provided it did not interfere with their effectiveness at carrying out the shutdown procedures. Additionally, three to seven land, pier, or vessel-based MMOs will be positioned to monitor the shutdown zones and the buffer zones (one to the northeast and one to the south at the mouth of San Diego Bay). Because there are different threshold distances for different types of marine mammals (pinniped and cetacean), the observation platform at the shutdown zone will concentrate on the 190 dB rms and 180 dB rms isopleths locations and station the observers and vessels accordingly. The MMOs associated with these platforms will record all visible marine mammal sightings. Confirmed takes will be registered once the sightings data has been overlaid with the isopleths identified in Table 7 and visualized in Figure 6–2 of the Navy's application, or based on refined acoustic data, if amendments to the ZOIs are needed. The acousticians on board will be noting SPLs in real-time, but, to avoid biasing the observations, will not communicate that information directly to the MMOs. These platforms may move closer to, or farther from, the source depending on whether received SPLs are less than or greater than the regulatory threshold values. All MMOs will be in radio communication with each other so that the MMOs will know when to anticipate incoming marine mammal species and when they are tracking the same animals observed elsewhere.

Individuals implementing the monitoring protocol will assess its effectiveness using an adaptive approach. Monitoring biologists will use their best professional judgment throughout implementation and seek improvements to these methods when deemed appropriate. Any modifications to protocol will be coordinated between NMFS and the Navy.

Data Collection

We require that observers use approved data forms. Among other pieces of information, the Navy will

record detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any. In addition, the Navy will attempt to distinguish between the number of individual animals taken and the number of incidents of take. We require that, at a minimum, the following information be collected on the sighting forms:

- Date and time that monitored activity begins or ends;
- Construction activities occurring during each observation period;
- Weather parameters (e.g., percent cover, visibility);
- Water conditions (e.g., sea state, tide state);
- Species, numbers, and, if possible, sex and age class of marine mammals;
- Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity, and if possible, the correlation to measured SPLs;
- Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;
- Description of implementation of mitigation measures (e.g., shutdown or delay);
- Locations of all marine mammal observations; and
- Other human activity in the area.

In addition, photographs would be taken of any gray whales observed. These photographs would be submitted to NMFS' West Coast Regional Office for comparison with photo-identification catalogs to determine whether the whale is a member of the WNP population.

Reporting

A draft report would be submitted to NMFS within 45 calendar days of the completion of marine mammal monitoring, or sixty days prior to the issuance of any subsequent IHA for this project, whichever comes first. The report will include marine mammal observations pre-activity, during-activity, and post-activity during pile driving days, and will also provide descriptions of any behavioral responses to construction activities by marine mammals and a complete description of all mitigation shutdowns and the results of those actions. A final report would be prepared and submitted within thirty days following resolution of comments on the draft report. Required contents of the monitoring reports are described in more detail in the Navy's Acoustic and Marine Species Monitoring Plan.

Monitoring Results From Previously Authorized Activities

The Navy complied with the mitigation and monitoring required under the previous authorization for this project. Acoustic and marine mammal monitoring was implemented as required, with marine mammal monitoring occurring before, during, and after each pile driving event. During the course of these activities, the Navy did not exceed the take levels authorized under the IHA. However, the Navy did record one observation of a California sea lion within the defined 190-dB shutdown zone (see below for further discussion).

The objectives of the monitoring plan were largely similar to those described above for the year two monitoring plan. For acoustic monitoring, the primary goal was to validate the acoustic ZOI contours utilizing hydroacoustic measurements collected during the IPP to update estimated SPL contours (isopleths) developed from the transmission loss modeling effort conducted prior to the start of the project and to collect more data to validate the transmission loss model. In addition, acoustic monitoring was conducted for pile driving of concrete piles associated with the temporary relocation of the Navy's Marine Mammal Program (see ''Description of Work Accomplished'').

Acoustic Monitoring Results—For a full description of acoustic monitoring methodology, please see section 2.1.2 of the Navy's monitoring report, including Figure 2–1 for representative monitoring locations. Results are displayed in Table 4.

For acoustic monitoring associated with the marine mammal relocation at NMAWC, a continuous hydroacoustic monitoring system was positioned at source (10 m from the pile being installed or removed) and at the edge of the predicted outer limit of the 160-dB behavioral ZOI for impact driving of concrete piles, which was estimated to be approximately 74 m. Hydrophones were deployed from the dock, barge, or moored vessel at half the water depth measured by a weighed measuring tape or calibrated depth sounder. The depth in which pile driving took place ranged between 2.4 and 4.7 m. SPLs measured at the far-field varied in distance from 25 to 400 m from the installed pile to determine variations in transmission loss for individual piles and sites. Airborne sound was collected at 15.2 m and also at distances ranging from 30.5 to 122 m using SLMs mounted on tripods at 1.5 m elevation above the dock. Airborne sound measurements were collected intermittently, but in sufficient amounts to determine airborne ZOIs for pinniped species.

For monitoring associated with the IPP at the fuel pier site, hydroacoustic monitoring systems recorded underwater sound levels from piers, barges, or anchored vessels at source (10 m), shutdown (125 to 300 m), and at the predicted far-field behavioral threshold ZOI locations. Pile driving water depth was <4.7 m for piles driven on the shore side of the pier and ranged from 12–17 m for piles driven on the bay side of the pier. The far-field locations were located near Harbor Island to the northeast and adjacent to the Zuniga Jetty to the southeast (offshore) approximately 1,500 to 4,000 m from source from the pile driving activities. For vibratory driving, differences in average SPLs between pile locations (inside versus outside) was approximately 5 dB rms less for same-sized inside piles, and average maximum SPLs recorded for the nine individual piles monitored varied approximately 5 dB rms among all piles with no measurable differences between pile sizes. For impact driving, 36-in piles produced on average approximately 5 dB rms louder SPLs than did 30-in piles. Measured zones for impact driving were smaller for same-sized inside piles due to increased attenuation in shallower water and increased acoustic interference from existing piles. Airborne sound level recordings were collected at 15.2 m and at distances ranging from 93 to 400 m, following the methodology described above.

Maximum and average hydroacoustic dB rms SPLs for concrete piles were approximately 6 to 10 dB rms greater than levels reported for similar piles and methods elsewhere (e.g., Oestman *et al.,* 2009). The NMAWC project site was relatively shallow at 2–4 m depth, and acoustic boundary conditions created by construction barges, existing marina structures, and the narrow width of the channel likely contributed to variability in acoustic sound level recording results. During the IPP, measured SPLs for driving of 30- and 36-in steel pipe piles fell outside of expected levels. SPLs for impact and vibratory driving of 48-in steel pipe piles and were reported to be 195 and 190 dB rms at source (10 m), respectively (Oestman *et al.,* 2009). Hydroacoustic sound level recordings collected and analyzed during the IPP for vibratory and impact pile driving recorded lower than expected values for vibratory pile driving (approximately 170 dB rms) for both 30- and 36-in steel pipe piles and greater than expected (approximately 202 dB rms) values for

impact pile driving. For further discussion of these results, please see the Navy's monitoring report.

TABLE 4—ACOUSTIC MONITORING RESULTS

Location	Activity	Pile type	Number of piles measured	Average underwater SPL at 10 m (dB rms)	Average airborne SPL at 15 m (LZF_{max})	Measured distances to relevant zones (dB rms/dB unweighted) (m) [1]					
						120	160	180	190	90	100
NMAWC	Impact ...	12- and 16-in concrete	58	182	108	n/a	126	13	<10	728	105
IPP	Vibratory	30- and 36-in steel pipe	9	167	113	[2] 3,000	n/a	<10	<10	233	71
IPP	Impact ...	30-in steel pipe	2	195	.....	n/a	[3] 2,500	[3] 450	[3] 75		
IPP	Impact ...	36-in steel pipe	7	200							

[1] Site-specific measured transmission loss values (both underwater and airborne) were used to calculate zone distances. See monitoring report for more detail.

[2] The 120-dB disturbance zone was initially modeled to be 6,470 m; however, ambient sound in the vicinity of the project site was measured at approximately 128 dB rms (see below). This value was used in conjunction with a site-specific propagation model to arrive at a predicted distance of 3,000 m at which sound should attenuate to background levels. This was supported by collection of measured dB rms values for vibratory pile driving during the IPP, as signal could not be distinguished from background at similar distance.

[3] These values are for outside piles. Measured distances to the 160/180/190 dB ZOIs for inside piles were 2,000/100/40 m (see above for discussion). Zones calculated on the basis of SPLs from 36-in piles.

Ambient data collection was conducted in a manner consistent with NMFS' 2012 guidance for measurement of background sound. Ambient underwater and airborne sound level recordings were collected for three eight-hour days at NMAWC between March 20–27, 2014, and for the IPP from April 24 to May 23, 2014. Ambient sound level recordings were collected in the absence of construction activities, and during typical construction time periods (7 a.m. to 4 p.m.), at locations that were between 400 and 1,000 m from each site. Sites were chosen to minimize boat traffic effects that might impact results.

Ambient hydroacoustic sound level recordings conducted adjacent to the fuel pier IPP project site during the week prior to and following IPP pile driving activities documented daily LZF averages of approximately 128 dB (see Figure 3–20 of the monitoring report). The area adjacent to the project site is a high traffic area supporting Navy fuel operations and is within 500 m of the main San Diego Bay navigation channel. Spike measurements eclipsed 140 dB with one instance reaching near 155 dB (Figure 3–20). Values were consistent with previous measured values and were recorded within expected ranges.

Marine Mammal Monitoring Results—Marine mammal monitoring was conducted as required under the IHA and as described in the first-year monitoring plan and in our **Federal Register** notice of proposed authorization associated with the first-year IHA (78 FR 30873; May 23, 2013). For a full description of monitoring methodology, please see section 2.1.3 of the Navy's monitoring report, including Figure 2–1 for representative monitoring locations. Monitoring protocols were managed adaptively during the course of the first-year IHA. For example, as the IPP project progressed, the Navy realized that there were areas that were within close proximity to pile driving activities that could not be adequately observed by a single MMO, and a pier-based secondary MMO was added. As a result, three dock-, pier-, and barge-based MMOs (one in close proximity to the pile being driven, and two in close proximity to known haul out locations for seals and sea lions to the north and south of the pier) were used to provide complete coverage for the shutdown zones.

Monitoring results are presented in Table 5. The Navy recorded all observations of marine mammals, including pre- and post-construction monitoring efforts. Animals observed during these periods or that were determined to be outside relevant ZOIs were not considered to represent incidents of take. Please see Figures 3–8, 3–11, 3–22, 3–26, and 3–28 for locations of observations and incidents of take relative to the project sites. Take authorization for the first-year authorization was informed by an assumption that 66 days of in-water construction would occur, whereas only 35 total days actually occurred. However, the actual observed rates per day were in all cases lower than what was assumed. Therefore, we expect that the Navy would not have exceeded the take allowances even if the full 66 days had been reached.

As noted above, an individual California sea lion was observed within the defined 190-dB shutdown zone. After correcting for animal location based on distance and bearing relative to the observer, the distance from the animal to the pile was determined to be approximately 30 m. The barge location on that day may have impacted the observer's ability to judge distance relative to the pile. Although the sea lion was sighted relatively close to the shutdown zone, the MMO assumed that, since it was seen passing the 49×12 m barge, it was outside of the shutdown zone. The animal continued swimming and no behavioral changes were noted.

TABLE 5—MARINE MAMMAL MONITORING RESULTS

Species	Location	Total sightings	Total individuals	Total incidents of Level B take
California sea lion	NMAWC	24	25	1
	IPP	1,061	2,299	387
Harbor seal	NMAWC	6	6	1
	IPP	23	25	6
Bottlenose dolphin	NMAWC	1	1	0
	IPP	34	83	13
Gray whale [1]	IPP	1	1	0
Common dolphin [2]	IPP	3	19	0

[1] One large cetacean was observed just to the east of the Zuniga Jetty. It could not be positively identified but was likely a gray whale. See Figure 3–28 of the monitoring report.
[2] No take was authorized for common dolphins.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as: ''. . . any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].''

All anticipated takes would be by Level B harassment resulting from vibratory and impact pile driving or pneumatic chipping and involving temporary changes in behavior. The proposed mitigation and monitoring measures are expected to minimize the possibility of injurious or lethal takes such that take by Level A harassment, serious injury, or mortality is considered discountable. However, it is unlikely that injurious or lethal takes would occur even in the absence of the planned mitigation and monitoring measures.

If a marine mammal responds to a stimulus by changing its behavior (e.g., through relatively minor changes in locomotion direction/speed or vocalization behavior), the response may or may not constitute taking at the individual level, and is unlikely to affect the stock or the species as a whole. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on animals or on the stock or species could potentially be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007). Given the many uncertainties in predicting the quantity and types of impacts of sound on marine mammals, it is common practice to estimate how many animals are likely to be present within a particular distance of a given activity, or exposed to a particular level of sound. This practice potentially overestimates the numbers of marine mammals taken. In addition, it is often difficult to distinguish between the individuals harassed and incidences of harassment. In particular, for stationary activities, it is more likely that some smaller number of individuals may accrue a number of incidences of harassment per individual than for each incidence to accrue to a new individual, especially if those individuals display some degree of residency or site fidelity and the impetus to use the site (e.g., because of foraging opportunities) is stronger than the deterrence presented by the harassing activity.

The project area is not believed to be particularly important habitat for marine mammals, nor is it considered an area frequented by marine mammals (with the exception of California sea lions, which are attracted to nearby haul-out opportunities). Sightings of other species are relatively rare. Therefore, behavioral disturbances that could result from anthropogenic sound associated with these activities are expected to affect only a relatively small number of individual marine mammals, although those effects could be recurring over the life of the project if the same individuals remain in the project vicinity.

The Navy has requested authorization for the potential taking of small numbers of California sea lions, harbor seals, bottlenose dolphins, common dolphins, and gray whales in San Diego Bay and nearby waters that may result from pile driving during construction activities associated with the fuel pier replacement project described previously in this document. In order to estimate the potential incidents of take that may occur incidental to the specified activity, we typically first estimate the extent of the sound field that may be produced by the activity and then consider in combination with information about marine mammal density or abundance in the project area. In this case, we have acoustic data from project monitoring that provides empirical information regarding the sound fields likely produced by project activities. We first provide information on applicable sound thresholds for determining effects to marine mammals before describing the measured sound fields, the available marine mammal density or abundance information, and the method of estimating potential incidents of take.

Sound Thresholds

We use generic sound exposure thresholds to determine when an activity that produces sound might result in impacts to a marine mammal such that a take by harassment might occur. To date, no studies have been conducted that explicitly examine impacts to marine mammals from pile driving sounds or from which empirical sound thresholds have been established. These thresholds (Table 6) are used to estimate when harassment may occur (i.e., when an animal is exposed to levels equal to or exceeding the relevant criterion) in specific contexts; however, useful contextual information that may inform our assessment of effects is typically lacking and we consider these thresholds as step functions. NMFS is working to revise these acoustic guidelines; for more information on that process, please visit *www.nmfs.noaa.gov/pr/acoustics/guidelines.htm*.

TABLE 6—CURRENT ACOUSTIC EXPOSURE CRITERIA

Criterion	Definition	Threshold
Level A harassment (underwater) ...	Injury (PTS—any level above that which is known to cause TTS).	180 dB (cetaceans)/190 dB (pinnipeds) (rms).
Level B harassment (underwater) ...	Behavioral disruption	160 dB (impulsive source)/120 dB (continuous source) (rms).
Level B harassment (airborne)	Behavioral disruption	90 dB (harbor seals)/100 dB (other pinnipeds) (unweighted).

Distance to Sound Thresholds

Background information on underwater sound propagation and the calculation of range to relevant thresholds was provided in our **Federal Register** notice of proposed authorization associated with the first-year IHA (78 FR 30873; May 23, 2013). For the first-year IHA, the Navy estimated sound fields using a site-specific model for transmission loss (TL) from pile driving at a central point at the project site in combination with proxy source levels (as described in the aforementioned **Federal Register** notice). The model is based on historical temperature-salinity data and location-dependent bathymetry. In the model, TL is the same for different sound source levels and is applied to each of the different activities to determine the point at which the applicable thresholds are reached as a function of distance from the source. The model's predictions result in a slightly lower average rate of TL than practical spreading, and hence are conservative. The model has been further validated using acoustic monitoring data collected under the first-year IHA (see Figure 6–1 of the Navy's application).

Only impact and vibratory driving of steel pipe piles is planned for the next phase of work. Demolition activities, including vibratory pile removal and pneumatic chipping, are also planned but would always occur concurrently with impact and vibratory driving and the resulting sound fields would be subsumed by those activities. Acoustic monitoring results that inform both the take estimates as well as the mitigation monitoring zones were reported in Table 4. We present the measured distances again here (Table 7) and compare to the modeled zones used in estimating potential incidents of take for the first year IHA. See also Figure 6–2 of the Navy's application for visual representation of these sound fields and their interaction with local topography. Assumed proxy source levels for the first-year IHA were 195 dB rms and 180 dB rms for impact and vibratory driving of steel piles, respectively. Measured source levels, used to produce the values labeled as ''measured'' below, were 200 dB rms and 170 dB rms for impact and vibratory driving, respectively. For impact driving, distances to the 160/180/190-dB ZOIs are 5,484, 452, and 36 m. For vibratory driving, background sound has been determined to be approximately 128 dB rms. The distance at which continuous sound produced by vibratory driving would attenuate to background levels is approximately 3,000 m. For airborne sound, we assume a single, precautionary zone here that is based on measured values for impact driving (approximately 110 dB [unweighted]).

TABLE 7—PREDICTED VERSUS MEASURED DISTANCES TO RELEVANT THRESHOLDS

Activity	Distance to threshold in meters					
	190 dB	180 dB	160 dB	120 dB	100 dB	90 dB
Impact driving, steel piles (predicted)	36	452	5,484	n/a	113	358
Impact driving, steel piles (measured) [1]	75	450	2,500	n/a	71	233
Vibratory driving, steel piles (predicted)	<10	14	n/a	6,470	9	28
Vibratory driving, steel piles (measured)	<10	<10	n/a	3,000	n/a	n/a

[1] Note that these values are based on data for bayside piles and will be precautionary for shoreside piles. See discussion at Table 4.

Airborne Sound

Although sea lions are known to haul-out regularly on man-made objects in the vicinity of the project site (see Figure 4–1 of the Navy's application), and harbor seals are occasionally observed hauled out on rocks along the shoreline in the vicinity of the project site, none of these are within the ZOIs for airborne sound, and we believe that incidents of incidental take resulting solely from airborne sound are unlikely. The zones for sea lions are within the minimum shutdown zone defined for underwater sound and, although the zones for harbor seals are larger, they have not been observed to haul out as readily on man-made structure in the immediate vicinity of the project site. There is a remote possibility that an animal could surface in-water, but with head out, within one of the defined zones and thereby be exposed to levels of airborne sound that we associate with harassment, but any such occurrence would likely be accounted for in our estimation of incidental take from underwater sound.

In summary, we generally recognize that pinnipeds occurring within an estimated airborne harassment zone, whether in the water or hauled out, could be exposed to airborne sound that may result in behavioral harassment. However, any animal exposed to airborne sound above the behavioral harassment threshold is likely to also be exposed to underwater sound above relevant thresholds (which are typically in all cases larger zones than those associated with airborne sound). Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Multiple incidents of exposure to sound above NMFS' thresholds for behavioral harassment are not believed to result in increased behavioral disturbance, in either nature or intensity of disturbance reaction. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Marine Mammal Densities

For all species, the best scientific information available was considered for use in the marine mammal take assessment calculations. Although various regional offshore surveys for marine mammals have been conducted, it is unlikely that these data would be

representative of the species or numbers that may be encountered in San Diego Bay. However, the Navy has conducted a large number of site-specific marine mammal surveys, from 2007–14 (Merkel and Associates, 2008; Johnson, 2010, 2011; Lerma, 2012, 2014). Whereas analyses for the previous IHA relied on surveys conducted from 2007–12, continuing surveys by the Navy have generally indicated increasing abundance of all species. Accordingly, we use here data from surveys of the project area that were conducted between September 2012 and April 2014 in order to provide the most up-to-date estimates for marine mammal abundances during the period of this proposed IHA. These data are from dedicated line-transect surveys, or from opportunistic observations for more rarely observed species (see Figures 3–1 and 3–2 of the Navy's application). Boat survey transects established within northern San Diego Bay in 2007 have been resurveyed on 46 occasions, 35 of which were conducted between September and April. Observational data from the most recent 22 of these surveys inform this analysis.

In addition, the Navy has developed estimates of marine mammal densities in waters associated with training and testing areas (including Hawaii-Southern California) for the Navy Marine Species Density Database (NMSDD). A technical report (Hanser *et al.,* 2014) describes methodologies and available information used to derive these densities, which are based upon the best available information, except where specific local abundance information is available and applicable to a specific action area. Density information is shown in Table 8; the document is publicly available on the Internet at: *nwtteis.com/DocumentsandReferences/NWTTDocuments/SupportingTechnicalDocuments.aspx* (accessed August 26, 2014).

Description of Take Calculation

The following assumptions are made when estimating potential incidences of take:

- All marine mammal individuals potentially available are assumed to be present within the relevant area, and thus incidentally taken;
- An individual can only be taken once during a 24-h period;
- There were will be 135 total days of activity;
- The maximum ZOI is approximately 5.7 km^2;
- Vibratory and impact driving of steel pipe piles will occur on each day; and,
- Exposures to sound levels at or above the relevant thresholds equate to take, as defined by the MMPA.

The estimation of marine mammal takes typically uses the following calculation:

Exposure estimate = (n * ZOI) * days of total activity

where:

n = density estimate used for each species/season

ZOI = sound threshold ZOI area; the area encompassed by all locations where the SPLs equal or exceed the threshold being evaluated

n * ZOI produces an estimate of the abundance of animals that could be present in the area for exposure, and is rounded to the nearest whole number before multiplying by days of total activity.

The ZOI impact area is estimated using the relevant distances in Table 7, assuming that sound radiates from a central point in the water column slightly offshore of the existing pier and taking into consideration the possible affected area due to topographical constraints of the action area (i.e., radial distances to thresholds are not always reached). When local abundance is the best available information, in lieu of the density-area method described above, we may simply multiply some number of animals (as determined through counts of animals hauled-out) by the number of days of activity, under the assumption that all of those animals will be present and incidentally taken on each day of activity.

Where appropriate, we use average daily number of individuals observed within the project area (defined as the 120-dB ZOI for potential behavioral disturbance by vibratory pile driving calculated without consideration for background sound levels) during Navy marine mammal surveys, corrected to allow for a five percent contingency. It is the opinion of the professional biologists who conducted these surveys that detectability of animals during these surveys, at slow speeds and under calm weather and excellent viewing conditions, approached one hundred percent. However, to account for the possibility that some parts of the study area may not have been covered due to access limitations, and to allow for variation in the accuracy of counts of large numbers of animals, a 95 percent detection rate is assumed (equivalent to five percent precautionary contingency allowance).

There are a number of reasons why estimates of potential incidents of take may be conservative, assuming that available density or abundance estimates and estimated ZOI areas are accurate (aside from the contingency correction discussed above). We assume, in the absence of information supporting a more refined conclusion, that the output of the calculation represents the number of individuals that may be taken by the specified activity. In fact, in the context of stationary activities such as pile driving and in areas where resident animals may be present, this number more realistically represents the number of incidents of take that may accrue to a smaller number of individuals. While pile driving can occur any day throughout the period of validity, and the analysis is conducted on a per day basis, only a fraction of that time (typically a matter of hours on any given day) is actually spent pile driving. The potential effectiveness of mitigation measures in reducing the number of takes is typically not quantified in the take estimation process. For these reasons, these take estimates may be conservative. See Table 8 for total estimated incidents of take.

California Sea Lion

The NMSDD reports estimated densities for north and central San Diego Bay of 5.8 animals/km^2 for the summer and fall periods and 2.5 animals/km^2 during the winter and spring (based on surveys conducted 2007–11). For the first-year IHA, the Navy reported an average abundance of approximately sixty individuals per survey day (approximately equating to the reported density). However, when considering only more recent Navy vessel-based surveys (22 surveys between September 2012 and April 2014), an average of 175 individuals (adjusted for 95 percent detection as described above) has been observed within the maximum ZOI for the project during the seasonal period of in-water construction. This includes both hauled-out and swimming individuals. For California sea lions, the most common species in northern San Diego Bay and the only species with regular occurrence in the project area, we determined that this value—derived from more recent site-specific surveys—would be most appropriate for use in estimating potential incidences of take.

Harbor Seal

Harbor seals are relatively uncommon within San Diego Bay. Previously, sightings in the Navy transect surveys of northern San Diego Bay were limited to individuals outside of the ZOI, on the south side of Ballast Point. These individuals had not been observed entering or transiting the project area and were believed to move from this

location to haul-outs further north at La Jolla. Separately, marine mammal monitoring conducted by the Navy intermittently from 2010–14 had documented up to four harbor seals near Pier 122 (within the ZOI) at various times, with the greatest number of sightings during April and May. This information was used in the previous IHA analysis, wherein we assumed that three harbor seals could be present for up to thirty days of the project. However, more recent data from Navy transect surveys (September 2012 through April 2014) indicate an average abundance of 6.17 within the maximum project ZOI (adjusted for 95 percent detection to an average of seven individuals). Animals were seen swimming as well as hauled out on rocks along the shoreline of NBPL. Although it is unknown whether this increase in abundance is a temporary phenomenon we use this new information on a precautionary basis as the best available information, and assume that this number of animals could be present on any day of the project. The NMSDD provides a maximum density estimate of 0.02 animals/km^2 for southern California, but recent, site-specific information indicates that harbor seals are more common within the northern San Diego Bay project area than this density would suggest.

Gray Whale

The NMSDD provides a density of 0.1 animals/km^2 for southern California waters from shore to 5 nm west of the Channel Islands (winter/spring only; density assumed to be zero during summer/fall), a value initially reported by Carretta *et al.* (2000) for gray whales around San Clemente Island in the Southern California Bight. Gray whales were seen only from January-April. In the project area, observational data for gray whales is limited and their occurrence considered infrequent and unpredictable. On the basis of limited information—in recent years, solitary individuals have entered the bay and remained for varying lengths of time in 2009, 2010, 2011, and 2014, and whales more regularly transit briefly past the mouth of San Diego Bay—we assume here that the NMSDD density may be applicable throughout the migration period (December–April), while acknowledging that it likely represents a precautionary estimate for waters within the Bay as opposed to those outside the mouth of the bay that whales are more likely to transit through. In order to determine how many of the maximum 135 days of in-water pile driving work it is appropriate to assume the potential for gray whale presence, we consider in-water work days (five days per week) that overlap the main part of the migration season (approximately eighteen weeks), for a total of ninety days. Incidental harassment of gray whales could result from some combination of individuals briefly transiting near the mouth of the Bay and from individuals entering the bay and lingering in the project area.

Bottlenose Dolphin

Coastal bottlenose dolphins can occur at any time of year in San Diego Bay. Numbers sighted during Navy transect surveys have been highly variable, ranging from zero to forty individuals (observed dolphins are assumed to have been of the coastal stock). An uncorrected average of 2.1 bottlenose dolphins was observed during recent Navy surveys (September 2012 through April 2014), although nineteen animals were observed in a single survey. As reported in the NMSDD, Dudzik *et al.* (2006) provide a uniform density for California coastal dolphins of 0.4 animals/km^2 within 1 km of the coast from Baja to San Francisco in all four seasons. However, given the sporadic nature of bottlenose dolphin sightings (i.e., limited data) and the high variability observed in terms of numbers and locations, we believe it appropriate to take a precautionary approach to take estimation for bottlenose dolphins and assume that as many as three dolphins could occur per day of activity. We believe that this increase from the observed abundance is necessary and sufficient to account for the uncertainty described above.

Common Dolphin

Common dolphins are present in the coastal waters outside of San Diego Bay, but have been observed in the bay only infrequently and were never seen during the Navy's surveys. However, the previously described observations of common dolphins in the project area during the IPP in 2014 prompted their inclusion in this proposed IHA. There have not been enough sightings of common dolphins in San Diego Bay to develop a reliable estimate specific to the project area. Sightings of long-beaked common dolphins are predominantly near shore, and have been documented during Navy training exercises just offshore and to the south of San Diego Bay, whereas those of short-beaked common dolphins extend throughout the coastal and offshore waters. The NMSDD provides an all-season density estimate of 0.1 animals/km^2 for the long-beaked common dolphin within southern California waters (derived from Ferguson and Barlow [2003] and Barlow and Forney [2007]). Because short-beaked common dolphins are less common in nearshore waters than are long-beaked, and are expected to be less likely to occur in the project area, we assign the value for long-beaked common dolphins to all common dolphins that may occur in the project area. However, use of this density value would result in an assumption that no common dolphins would be incidentally taken by project activities. We believe it appropriate to take a precautionary approach and, on the basis of the common dolphin observations from previous project monitoring (i.e., three observations with average group size of six), assume that a group of six dolphins could potentially be present on each day of activity. These incidents of take could be of either long-beaked or short-beaked common dolphins.

TABLE 8—CALCULATIONS FOR INCIDENTAL TAKE ESTIMATION

Species	Abundance [1]	Total proposed authorized takes [3] (% of total stock)
California sea lion	175	23,625 (8.0)
Harbor seal	7	945 (3.1)
Bottlenose dolphin	3	405 (81.0) [4]
Common dolphin	6	810 (0.8 [LB]/0.2 [SB]) [5]
Gray whale	[2] 1	90 (0.5)

[1] Best available species- and season-specific density estimate were described above. With the exception of the gray whale (see footnote 2 below), we have determined that in all cases a site-specific abundance estimate is the most appropriate information to use in estimating take. See discussions above.

[2] Product of density (0.115 animals/km^2) and largest ZOI (5.7 km^2) rounded to nearest whole number.

[3] Best abundance numbers multiplied by expected days of activity (135) to produce take estimate. Calculation for gray whale assumes ninety days rather than 135; see discussion above.
[4] Total stock assumed to be 500 for purposes of calculation. See Table 3.
[5] LB = long-beaked; SB = short-beaked.

Analyses and Preliminary Determinations

Negligible Impact Analysis

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.'' A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, we consider other factors, such as the likely nature of any responses (e.g., intensity, duration), the context of any responses (e.g., critical reproductive time or location, migration), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

Pile driving activities associated with the pier replacement project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment (behavioral disturbance) only, from underwater sounds generated from pile driving. Potential takes could occur if individuals of these species are present in the ensonified zone when pile driving is happening.

No injury, serious injury, or mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for these outcomes is minimized through the construction method and the implementation of the planned mitigation measures. Specifically, vibratory hammers will be the primary method of installation, and this activity does not have significant potential to cause injury to marine mammals due to the relatively low source levels produced (site-specific acoustic monitoring data show no source level measurements above 180 dB rms) and the lack of potentially injurious source characteristics. Impact pile driving produces short, sharp pulses with higher peak levels and much sharper rise time to reach those peaks. When impact driving is necessary, required measures (implementation of shutdown zones) significantly reduce any possibility of injury. Given sufficient ''notice'' through use of soft start (for impact driving), marine mammals are expected to move away from a sound source that is annoying prior to its becoming potentially injurious. The likelihood that marine mammal detection ability by trained observers is high under the environmental conditions described for San Diego Bay (approaching one hundred percent detection rate, as described by trained biologists conducting site-specific surveys) further enables the implementation of shutdowns to avoid injury, serious injury, or mortality.

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (e.g., Thorson and Reyff, 2006; HDR, 2012; Lerma, 2014). Most likely, individuals will simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. In response to vibratory driving, pinnipeds (which may become somewhat habituated to human activity in industrial or urban waterways) have been observed to orient towards and sometimes move towards the sound. The pile driving activities analyzed here are similar to, or less impactful than, numerous other construction activities conducted in San Francisco Bay and in the Puget Sound region, which have taken place with no reported injuries or mortality to marine mammals, and no known long-term adverse consequences from behavioral harassment. Repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to result in hearing impairment or to significantly disrupt foraging behavior. Thus, even repeated Level B harassment of some small subset of the overall stock is unlikely to result in any significant realized decrease in fitness for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. Level B harassment will be reduced to the level of least practicable impact through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the project area while the activity is occurring.

In summary, this negligible impact analysis is founded on the following factors: (1) The possibility of injury, serious injury, or mortality may reasonably be considered discountable; (2) the anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior; (3) the absence of any significant habitat within the project area, including rookeries, significant haul-outs, or known areas or features of special significance for foraging or reproduction; (4) the presumed efficacy of the proposed mitigation measures in reducing the effects of the specified activity to the level of least practicable impact. In addition, these stocks are not listed under the ESA or considered depleted under the MMPA. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activity will have only short-term effects on individuals. The specified activity is not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, we preliminarily find that the total marine mammal take from Navy's pier replacement activities will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers Analysis

The number of incidents of take proposed for authorization for these stocks, with the exception of the coastal bottlenose dolphin (see below), would be considered small relative to the relevant stocks or populations (see Table 8) even if each estimated taking occurred to a new individual. This is an extremely unlikely scenario as, for pinnipeds occurring at the NBPL waterfront, there will almost certainly be some overlap in individuals present day-to-day and in general, there is likely

to be some overlap in individuals present day-to-day for animals in estuarine/inland waters.

The proposed numbers of authorized take for bottlenose dolphins are higher relative to the total stock abundance estimate and would not represent small numbers if a significant portion of the take was for a new individual. However, these numbers represent the estimated incidents of take, not the number of individuals taken. That is, it is likely that a relatively small subset of California coastal bottlenose dolphins would be incidentally harassed by project activities. California coastal bottlenose dolphins range from San Francisco Bay to San Diego (and south into Mexico) and the specified activity would be stationary within an enclosed water body that is not recognized as an area of any special significance for coastal bottlenose dolphins (and is therefore not an area of dolphin aggregation, as evident in Navy observational records). We therefore believe that the estimated numbers of takes, were they to occur, likely represent repeated exposures of a much smaller number of bottlenose dolphins and that, based on the limited region of exposure in comparison with the known distribution of the coastal bottlenose dolphin, these estimated incidents of take represent small numbers of bottlenose dolphins.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, we preliminarily find that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, we have determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

The Navy initiated informal consultation under section 7 of the ESA with NMFS Southwest Regional Office (now West Coast Regional Office) on March 5, 2013. NMFS concluded on May 16, 2013, that the proposed action may affect, but is not likely to adversely affect, WNP gray whales. The Navy has not requested authorization of the incidental take of WNP gray whales and no such authorization is proposed, and there are no other ESA-listed marine mammals found in the action area. Therefore, no consultation under the ESA is required.

National Environmental Policy Act (NEPA)

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), the Navy prepared an Environmental Assessment (EA) to consider the direct, indirect and cumulative effects to the human environment resulting from the pier replacement project. NMFS made the Navy's EA available to the public for review and comment, in relation to its suitability for adoption by NMFS in order to assess the impacts to the human environment of issuance of an IHA to the Navy. Also in compliance with NEPA and the CEQ regulations, as well as NOAA Administrative Order 216–6, NMFS has reviewed the Navy's EA, determined it to be sufficient, and adopted that EA and signed a Finding of No Significant Impact (FONSI) on July 8, 2013.

We have reviewed the Navy's application for a renewed IHA for ongoing construction activities for 2014–15 and the 2013–14 monitoring report. Based on that review, we have determined that the proposed action is very similar to that considered in the previous IHA. In addition, no significant new circumstances or information relevant to environmental concerns have been identified. Thus, we have determined preliminarily that the preparation of a new or supplemental NEPA document is not necessary, and will, after review of public comments determine whether or not to reaffirm our 2013 FONSI. The 2013 NEPA documents are available for review at *www.nmfs.noaa.gov/pr/permits/incidental.htm.*

Proposed Authorization

As a result of these preliminary determinations, we propose to issue an IHA to the Navy for conducting the described pier replacement activities in San Diego Bay, for a period of one year from the date of issuance, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. The proposed IHA language is provided next.

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This Incidental Harassment Authorization (IHA) is valid for a period of one year from the date of issuance.

2. This IHA is valid only for pile driving and removal activities associated with the fuel pier replacement project in San Diego Bay, California.

3. General Conditions

(a) A copy of this IHA must be in the possession of the Navy, its designees, and work crew personnel operating under the authority of this IHA.

(b) The species authorized for taking are the harbor seal (*Phoca vitulina richardii*), California sea lion (*Zalophus californianus*), bottlenose dolphin (*Tursiops truncatus truncatus*), common dolphin (*Delphinus* sp.), and gray whale (*Eschrichtius robustus*).

(c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 (attached) for numbers of take authorized.

(d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in condition 3(b) of the Authorization or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

(e) The Navy shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, acoustic monitoring team, and Navy staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

4. Mitigation Measures

The holder of this Authorization is required to implement the following mitigation measures:

(a) For all pile driving, the Navy shall implement a minimum shutdown zone of 10 m radius around the pile. If a marine mammal comes within or approaches the shutdown zone, such operations shall cease. See Table 2 (attached) for minimum radial distances required for shutdown zones.

(b) The Navy shall similarly avoid direct interaction with marine mammals during in-water heavy machinery work other than pile driving that may occur in association with the specified activities. If a marine mammal comes within 10 m of such activity, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions, as appropriate.

(c) The Navy shall establish monitoring locations as described below. Please also refer to the Acoustic

and Marine Species Monitoring Plan (Monitoring Plan; attached).

i. For all pile driving activities, a minimum of one observer shall be stationed at the active pile driving rig in order to monitor the shutdown zones.

ii. For all pile driving activities, at least three additional vessel-based observers shall be positioned for optimal monitoring of the surrounding waters. During impact driving of steel piles, one of these shall be stationed for optimal monitoring of the cetacean Level A injury zone (see Table 2), while two of these may be positioned at the discretion of the Navy for optimal fulfillment of both acoustic monitoring objectives and monitoring of the Level B harassment zone. During all other pile driving, all three vessel-based observers may be positioned at the discretion of the Navy for optimal fulfillment of both acoustic monitoring objectives and monitoring of the Level B harassment zone.

iii. For all impact pile driving activities, a minimum of one shore-based observer shall be located at the pier work site.

iv. These observers shall record all observations of marine mammals, regardless of distance from the pile being driven, as well as behavior and potential behavioral reactions of the animals. Photographs must be taken of any observed gray whales.

v. All observers shall be equipped for communication of marine mammal observations amongst themselves and to other relevant personnel (e.g., those necessary to effect activity delay or shutdown).

(d) Monitoring shall take place from fifteen minutes prior to initiation of pile driving activity through thirty minutes post-completion of pile driving activity. Pre-activity monitoring shall be conducted for fifteen minutes to ensure that the shutdown zone is clear of marine mammals, and pile driving may commence when observers have declared the shutdown zone clear of marine mammals. In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone, animals shall be allowed to remain in the shutdown zone (i.e., must leave of their own volition) and their behavior shall be monitored and documented. Monitoring shall occur throughout the time required to drive a pile. The shutdown zone must be determined to be clear during periods of good visibility (i.e., the entire shutdown zone and surrounding waters must be visible to the naked eye).

(e) If a marine mammal approaches or enters the shutdown zone, all pile driving activities at that location shall be halted. If pile driving is halted or delayed due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or fifteen minutes have passed without re-detection of the animal.

(f) Monitoring shall be conducted by qualified observers, as described in the Monitoring Plan. Trained observers shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator.

(g) The Navy shall use soft start techniques recommended by NMFS for vibratory and impact pile driving. Soft start for vibratory drivers requires contractors to initiate sound for fifteen seconds at reduced energy followed by a thirty-second waiting period. This procedure is repeated two additional times. Soft start for impact drivers requires contractors to provide an initial set of strikes at reduced energy, followed by a thirty-second waiting period, then two subsequent reduced energy strike sets. Soft start shall be implemented at the start of each day's pile driving and at any time following cessation of pile driving for a period of thirty minutes or longer. Soft start for impact drivers must be implemented at any time following cessation of impact driving for a period of thirty minutes or longer.

(h) Pile driving shall only be conducted during daylight hours.

5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during pile driving activity. Marine mammal monitoring and reporting shall be conducted in accordance with the Monitoring Plan.

(a) The Navy shall collect sighting data and behavioral responses to pile driving for marine mammal species observed in the region of activity during the period of activity. All observers shall be trained in marine mammal identification and behaviors, and shall have no other construction-related tasks while conducting monitoring.

(b) For all marine mammal monitoring, the information shall be recorded as described in the Monitoring Plan.

(c) The Navy shall conduct acoustic monitoring for representative scenarios of pile driving activity, as described in the Monitoring Plan.

6. Reporting

The holder of this Authorization is required to:

(a) Submit a draft report on all monitoring conducted under the IHA within 45 calendar days of the completion of marine mammal and acoustic monitoring, or sixty days prior to the issuance of any subsequent IHA for this project, whichever comes first. A final report shall be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the Monitoring Plan, at minimum (see attached), and shall also include:

i. Detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any.

ii. Description of attempts to distinguish between the number of individual animals taken and the number of incidences of take, such as ability to track groups or individuals.

iii. Results of acoustic monitoring, including the information described in the Monitoring Plan.

(b) Reporting injured or dead marine mammals:

i. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury (Level A harassment), serious injury, or mortality, Navy shall immediately cease the specified activities and report the incident to the Office of Protected Resources (301–427–8425), NMFS, and the West Coast Regional Stranding Coordinator (206–526–6550), NMFS. The report must include the following information:

A. Time and date of the incident;

B. Description of the incident;

C. Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);

D. Description of all marine mammal observations in the 24 hours preceding the incident;

E. Species identification or description of the animal(s) involved;

F. Fate of the animal(s); and

G. Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Navy to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Navy may not resume their activities until notified by NMFS.

i. In the event that Navy discovers an injured or dead marine mammal, and the lead observer determines that the

cause of the injury or death is unknown and the death is relatively recent (e.g., in less than a moderate state of decomposition), Navy shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS.

The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Navy to determine whether additional mitigation measures or modifications to the activities are appropriate.

ii. In the event that Navy discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), Navy shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. Navy shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

Request for Public Comments

We request comment on our analysis, the draft authorization, and any other aspect of this Notice of Proposed IHA for Navy's pier replacement activities. Please include with your comments any supporting data or literature citations to help inform our final decision on Navy's request for an MMPA authorization.

Dated: August 29, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–21140 Filed 9–4–14; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Consumer Advisory Board Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the announcement of a public meeting of the Consumer Advisory Board (CAB or Board) of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Board. Notice of the meeting is permitted by section 6 of the CAB Charter and is intended to notify the public of this meeting. Specifically, Section X of the CAB Charter states:

(1) Each meeting of the Board shall be open to public observation, to the extent that a facility is available to accommodate the public, unless the Bureau, in accordance with paragraph (4) of this section, determines that the meeting shall be closed. The Bureau also will make reasonable efforts to make the meetings available to the public through live Web streaming. (2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the **Federal Register** not more than 45 or less than 15 days prior to the scheduled meeting date. Shorter notice may be given when the Bureau determines that the Board's business so requires; in such event, the public will be given notice at the earliest practicable time. (3) Minutes of meetings, records, reports, studies, and agenda of the Board shall be posted on the Bureau's Web site (*www.consumerfinance.gov*). (4) The Bureau may close to the public a portion of any meeting, for confidential discussion. If the Bureau closes a meeting or any portion of a meeting, the Bureau will issue, at least annually, a summary of the Board's activities during such closed meetings or portions of meetings.

DATES: The meeting date is Thursday, September 11, 2014, 10:30 a.m. to 3:45 p.m. Eastern Standard Time.

ADDRESSES: The meeting location is Gallaudet University, Elstad Auditorium, 800 Florida Avenue, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Tracey Wilkerson, Consumer Advisory Board & Councils, External Affairs, 1700 G Street NW., Washington, DC 20552; telephone: 202–435–7216; *CAB@CFPB.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (*http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf*) (Dodd-Frank Act) provides: ''The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' 12 U.S.C. 5494.

(a) The purpose of the Board is outlined in Section 1014(a) of the Dodd-Frank Act (*http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf*), which states that the Board shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' (b) To carry out the Board's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Board will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services. (c) The Board will also be available to advise and consult with the Director and the Bureau on other matters related to the Bureau's functions under the Dodd-Frank Act.

II. Agenda

The Consumer Advisory Board will discuss trends and themes related to technology and access to financial services.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Consumer Advisory Board meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, Tuesday, September 9, 2014. Members of the public must RSVP by the due date and must include ''CAB'' in the subject line of the RSVP.

III. Availability

The Board's agenda will be made available to the public on Wednesday, September 3, 2014, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the CFPB's Web site *consumerfinance.gov*.

Dated: September 2, 2014.

Christopher D'Angelo,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2014–21187 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday September 10, 2014, 10 a.m.–12 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public

MATTER TO BE CONSIDERED: Briefing Matter: Safety Standard for Magnet Sets—Final Rule

A live web cast of the Meeting can be viewed at *www.cpsc.gov/live.*

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: September 2, 2014.

Todd A. Stevenson,

Secretariat.

[FR Doc. 2014–21324 Filed 9–3–14; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0033]

Proposed Collection; Comment Request

AGENCY: Army & Air Force Exchange Service (Exchange), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Army & Air Force Exchange Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 4, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Army and Air Force Exchange Service, Office of the General Counsel, Compliance Division, Attn: Teresa Schreurs, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598 or call the Exchange Compliance Division at 800–967–6067.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exchange Accident/Incident Reports; Exchange Form 3900–017, ''Statements'', OMB Control Number: 0702–XXXX.

Needs and Uses: The information collection requirement is necessary to record incidents such as accidents, mishaps, fires, thefts or any issue involving government property. This collection also insures the Exchange has the necessary information in relation to injuries and illnesses for medical treatment and payment of claims. It assists the Exchange in recouping damages, correcting deficiencies, initiating appropriate disciplinary action(s), filing insurance and workers' compensation required documents.

Affected Public: Exchange employees, customers, guests, visitors, and members of the public.

Annual Burden Hours: 4,854.

Number of Respondents: 4,854.

Responses per Respondent: 1.

Average Burden per Response: 1 hour.

Frequency: On occasion.

Respondents are Exchange employees, customers, guests, visitors, and members of the public who have been involved in incidences relative to damage to Exchange property or facilities, have been suspected of shoplifting or theft or have been injured or developed an illness on any incident occurring at Exchange facilities.

Dated: September 2, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–21146 Filed 9–4–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID USN–2014–0020]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* Navy Recruiting Command announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 4, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 5722 Integrity Drive, Millington, TN 38054–5057.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Personalized Recruiting for Immediate and Delayed Enlistment Modernization (PRIDE Mod); OMB Control Number 0703–XXXX.

Needs and Uses: The information collection requirement is necessary to support the U.S. Navy's process to recruit and access persons for naval service.

Affected Public: Individuals and Households. Individuals who are interested in serving in the U.S. Navy.

Annual Burden Hours: 60,000.

Number of Respondents: 60,000.

Responses per Respondent: 1.

Average Burden per Response: 60 minutes.

Frequency: Upon Application.

Respondents are persons who wish to be considered for accession into the U.S. Navy. Respondents enter their information into the information system, or they orally provide the information to a Navy Recruiter who inputs the information on their behalf.

Dated: September 2, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–21145 Filed 9–4–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12496–002]

Rugraw, LLC; Notice of Application Accepted for Filing and Soliciting Motions to Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major Original License.

b. *Project No.:* 12496–002.

c. *Date filed:* April 21, 2014.

d. *Applicant:* Rugraw, LLC.

e. *Name of Project:* Lassen Lodge Hydroelectric Project.

f. *Location:* On the South Fork Battle Creek, nearby the Town of Mineral, Tehama County, California. No federal lands or Indian reservations are located within the proposed project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Charlie Kuffner, 70 Paseo Mirasol, Tiburon, CA 94920; (415) 652–8553.

i. *FERC Contact:* Adam Beeco at (202)–502–8655; email—*adam.beeco@&ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file filing motions to intervene and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–12496–002.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. *The proposed Lassen Lodge Project consists of:* (1) A 6-foot-high and 94-foot-long diversion dam; (2) an impoundment of approximately 0.5 acre; (3) a 20 by 10-foot enclosed concrete intake structure; (4) a 7,258-foot-long pipeline and a 5,230-foot-long penstock with a net head of 791 feet; (5) a 50 by 50-foot powerhouse containing one generating unit with a 5,000-kilowatt capacity; (6) a 50 by 50-foot substation area; (7) a 40 by 35-foot switchyard; (8) 100 by 100-foot multipurpose area; and (9) a new 12-mile-long, 60-kilovolt transmission line. The project is estimated to produce approximately 25,000,000 kilowatt hours annually.

m. A copy of the application is available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with

the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: August 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21164 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2911–038]

Southeast Alaska Power Agency; Notice of Application Accepted for Filing, Ready for Environmental Analysis, Soliciting Comments, Motions To Intervene, Protests, Recommendations, Terms and Conditions, and Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No.:* 2911–038.

c. *Date Filed:* July 21, 2014.

d. *Applicant:* Southeast Alaska Power Agency.

e. *Name of Project:* Swan Lake Hydroelectric Project.

f. *Location:* The project is located on Falls Creek on Revillagigedo Island, Alaska in Ketchikan Gateway Borough. The project occupies federal lands managed by the U.S. Forest Service within the Tongass National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Trey Acteson, CEO, Southeast Alaska Power Agency, 1900 First Avenue, Suite 318, Ketchikan, AK 99901, (907) 228–2281.

i. *FERC Contact:* Mr. Steven Sachs (202) 502–8666 or *Steven.Sachs@ferc.gov*.

j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and fishway prescriptions is 60 days from the issuance date of this notice by the Commission; reply comments are due 105 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file any motion to intervene, protest, comments, and/or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2911–038.

k. *Description of Request:* The applicant proposes to install a 20-foot-wide vertical gate and a 78-foot-wide flashboard system on the spillway to raise the maximum elevation of the impoundment by 15 feet. The proposal would inundate an additional 94 acres of land, approximately 26 of which are managed by the U.S. Forest Service. The applicant also proposes to raise the non-overflow section of the dam by about 1.5 feet and raise the intake gate tower by 15 feet. The proposal would not change the project boundary or the authorized installed capacity of the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp*. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', ''MOTION TO INTERVENE'', ''TERMS AND CONDITIONS'' or ''FISHWAY PRESCRIPTIONS'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the

responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: August 26, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21167 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1864–186]

Upper Peninsula Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Recreation Plan Amendment.

b. *Project No:* 1864–186.

c. *Date Filed:* June 20, 2014.

d. *Applicant:* Upper Peninsula Power Company.

e. *Name of Project:* Bond Falls.

f. *Location:* Ontonagon River in Ontonagon and Gogebic Counties, Michigan, and Vilas County, Wisconsin. The project occupies federal lands administered by the U.S. Forest Service within the Ottawa National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Shawn Puzen, Upper Peninsula Power Company, 700 North Adams Street, P.O. Box 19001, Green Bay, Wisconsin 54307–9001; Telephone: (920) 433–1094.

i. *FERC Contact:* Patricia A. Grant at (312) 596–4435, or email: *patricia.grant@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* September 26, 2014.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–1864–186) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee proposes to relocate the canoe portage trail and the boat landing parking area at the Victoria development (02) of the Bond Falls project. The parking area and the associated recreation facilities will be transferred to the site which will be vacated by the existing maintenance building. The parking area will then be closer to the boat landing. The canoe portage route and its signage will be slightly modified.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–9951) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 26, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21156 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–538–000]

KPC Pipeline, LLC; Notice of Application

Take notice that on August 20, 2014, KPC Pipeline, LLC (KPC), 14000 Quail Springs Pkwy., Suite 250, Oklahoma City, OK 73134, filed in Docket No. CP14–538–000, an application pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations, seeking authorization to abandon in place approximately 98.92

miles of its 6-inch diameter P–20 line in Rice, McPherson, and Marion Counties, Kansas. The portion of the P–20 line that is to be abandoned has been disconnected from the KPC system and has not been used to provide service since approximately 1992, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Cathy Pocock, KPC Pipeline, LLC, 14000 Quail Springs Pkwy., Suite 250, Oklahoma City, OK 73134, phone: (405) 608–8557, fax: (405) 608–8600, or email: *cpocock@mvpipelines.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, 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.

Comment Date: 5 p.m. Eastern Time on September 17, 2014.

Dated: August 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21157 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1864–187]

Upper Peninsula Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project Use of Project Lands.

b. *Project No:* 1864–187.

c. *Date Filed:* June 20, 2014.

d. *Applicant:* Upper Peninsula Power Company.

e. *Name of Project:* Bond Falls.

f. *Location:* Ontonagon River in Ontonagon and Gogebic Counties, Michigan, and Vilas County, Wisconsin. The project occupies federal lands administered by the U.S. Forest Service within the Ottawa National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Shawn Puzen, Upper Peninsula Power Company, 700 North Adams Street, P.O. Box 19001, Green Bay, Wisconsin 54307–9001; Telephone: (920) 433–1094.

i. *FERC Contact:* Patricia A. Grant at (312) 596–4435, or email: *patricia.grant@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* September 26, 2014.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–1864–187) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors

filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee proposes to remove the current maintenance building at the Victoria development (02) of the Bond Falls project, and replace it with a new building, to be constructed in the area of the existing boat landing parking area. The boat landing parking area and associated recreation facilities will be moved to the area vacated by the current maintenance building.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–9951) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 26, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21166 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–542–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Application

Take notice that on August 22, 2014, Southern Star Central Gas Pipeline, Inc. (Southern Star) filed in the above referenced docket an application, pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting authorization to further expand the existing certificated boundary and buffer zone of Southern Star's Alden Gas Storage Field, located in Rice County, Kansas, all as more fully described in the Application which is on file with the Commission and open to public inspection. The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to David N. Roberts, Analyst Staff, Regulatory Compliance, Southern Star Central Gas Pipeline, Inc., 4700 Highway 56, Owensboro, Kentucky 42301, by phone (270) 852–4654, by fax (270) 852–5010, or by email at *David.N.Roberts@sscgp.com,* or to W. Douglas Field, Senior Attorney, Southern Star Central Gas Pipeline, Inc., 4700 Highway 56, Owensboro, Kentucky 42301, by phone (270) 852–4657, or by email at *W.Doug.Field@sscgp.com.*

Specifically, Southern Star requests authorization to acquire the gas storage easements and related mineral rights to (1) 2,652 acres of the Simpson formation within the northern part of current certificated boundary of the Alden field, (2) 660 acres outside the current certificated boundary on the north, northeast, and northwest flanks, from the base of the Kansas City Limestone to the top of the Arbuckle Limestone, to include both the Simpson and Misener formations, and (3) 350 acres of the Simpson formation within the southeast part of the current boundary. The acquisition is part of Southern Star's efforts to halt migration of storage gas from the Misener formation into the Simpson formation. Southern Star estimates the total capital cost for the acquisition of the property interest to be approximately $1,357,946.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211)

and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, 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.

Comment Date: September 18, 2014.

Dated: August 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21158 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8315–011]

AIM Development (USA) LLC; Eagle Creek Sartell Hydro, LLC: Notice of Application for Transfer of License and Soliciting Comments and Motions To Intervene

On July 15, 2014, AIM Development (USA) LLC (transferor) and Eagle Creek Sartell Hydro, LLC (transferee) filed an application for transfer of license of the Deadwood Creek Hydroelectric Project located on the Mississippi River near Sartell, Stearns, and Benton counties, Minnesota.

The transferor and transferee seek Commission approval to transfer the license for the Sartell Dam Hydro Project from the transferor to the transferee.

Applicant Contacts: For Transferor: Mr. Jeff McGlin, AIM Development (USA) LLC, 100 E. Sartell Street, Sartell, MN 56377–1947, Phone: 920–470–1061 Email: *jmcglin@aimrecyclinggroup.com.* Kamila Wirpszo, AIM Development (USA) LLC, c/o AIM Holding LP, 9100 Henri Bourassa East, Montreal, Quebec H1E 7R9, Email: *kwirpszo@aim-rg.com.* Mr. Thomas McCann Mullooly, Foley & Lardner LLP, 777 East Wisconsin Avenue, Milwaukee, WI 53202–5306, Phone: 414–297–5566, Email: *tmullooly@foley.com.* For Transferee: Mr. Bernard H. Cherry, Eagle Creek Sartell Hydro, LLC, 65 Madison Avenue, Morristown, NJ 07960, Phone: 973–998–8400, Email: *Bud.cherry@eaglecreekre.com.* Mr. Donald H. Clarke, Mr. Joshua E. Adrian, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street NW., Suite 800, Washington, DC 20036, Phone: 202–467–6370, Emails: *dch@dwgp.com* or *jea@dwgp.com.*

FERC Contact: Patricia W. Gillis, (202) 502–8735.

Deadline for filing comments and motions to intervene: 30 days from the issuance date of this notice, by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–8315–011.

Dated: August 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21161 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1724–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2014–08–27_SA 6507 White Pine SSR Agreement Compliance Filing to be effective 4/16/2014.

Filed Date: 8/27/14.

Accession Number: 20140827–5105.

Comments Due: 5 p.m. ET 9/17/14.

Docket Numbers: ER14–1725–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2014–08–27 Schedule 43H White Pine SSR Compliance Filing to be effective 4/16/2014.

Filed Date: 8/27/14.

Accession Number: 20140827–5106.

Comments Due: 5 p.m. ET 9/17/14.

Docket Numbers: ER14–1969–002.

Applicants: Public Service Company of Colorado.

Description: Deficiency Letter Response of Public Service Company of Colorado.

Filed Date: 8/26/14.

Accession Number: 20140826–5133.

Comments Due: 5 p.m. ET 9/16/14.

Docket Numbers: ER14–2399–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment per 35.17(b): Attachment AE—Integrated Marketplace Amendment Filing—ER14–2399 to be effective 9/8/2014.

Filed Date: 8/27/14.
Accession Number: 20140827–5050.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2452–001.
Applicants: Louisville Gas and Electric Company.
Description: Tariff Amendment per 35.17(b): Att L Amendment Filing to be effective 9/15/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5036.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2705–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revisions to the OATT re: FMU Adder to be effective 11/1/2014.
Filed Date: 8/26/14.
Accession Number: 20140826–5051.
Comments Due: 5 p.m. ET 9/16/14.
Docket Numbers: ER14–2711–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–08–xx 719 extension request to be effective 6/12/2012.
Filed Date: 8/26/14.
Accession Number: 20140826–5117.
Comments Due: 5 p.m. ET 9/16/14.
Docket Numbers: ER14–2712–000.
Applicants: Portland General Electric Company.
Description: Compliance filing per 35: PGE11 MBR Revisions 2014 to be effective 9/1/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5000.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2713–000.
Applicants: Portland General Electric Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Sched 5–6 Att N Sec 3 to be effective 10/1/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5035.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2714–000.
Applicants: MidAmerican Energy Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Blackhawk-Hazleton Joint Ownership Agreement to be effective 10/24/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5048.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2715–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–08–27_SA 2690 Big Stone Plant T–T IA to be effective 8/28/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5080.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2716–000.
Applicants: Michigan Electric Transmission Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Filing of CIAC Agreement with ITC Interconnection LLC to be effective 10/26/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5082.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2717–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–08–27_SA 2691 Big Stone Substation T–T IA (NSP–OTP) to be effective 8/28/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5084.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2719–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–08–27_SA 2692 Big Stone South-Brookings T–T IA (NSP–OTP) to be effective 8/28/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5087.
Comments Due: 5 p.m. ET 9/17/14.
Docket Numbers: ER14–2720–000.
Applicants: Limon Wind, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Limon Wind, LLC Amended and Restated Shared Facilities Agreement to be effective 8/28/2014.
Filed Date: 8/27/14.
Accession Number: 20140827–5130.
Comments Due: 5 p.m. ET 9/17/14.

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: August 27, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21095 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–15–000]

Columbia Gas Transmission, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned E-Systems Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the E-Systems Project (Project) involving construction and operation of facilities by Columbia Gas Transmission, LLC (Columbia) in Bath, Bracken, Menifee, Montgomery, Nicholas, and Robertson Counties, Kentucky. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on September 26, 2014.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to

participate in the Commission's proceedings.

Summary of the Planned Project

The Project would entail modernization of Columbia's existing E-System through replacement of bare steel pipe with coated pipe, installation of pig launchers and receivers, and replacement of several mainline valve assemblies and fittings to facilitate pipeline maintenance.

Specifically, the Project would consist of the following facilities:

- Construction of a 17.8 mile-long segment of 20-inch-diameter coated steel looped [1] pipeline in Bracken County, Kentucky, and abandonment in place of a corresponding looped section of existing bare steel E-Loop Pipeline;
- construction of a 4.3-mile-long segment of 20-inch-diameter coated steel looped pipeline in Nicholas County, and abandonment in place of a corresponding looped section of existing bare steel E-Loop Pipeline;
- installation of a bi-directional launcher/receiver and associated valves and fittings to make the pipeline pig-capable [2] in Bath, Bracken, Montgomery, Nicholas, and Robertson Counties, Kentucky;
- construction of about 1,800 feet of the new 20-inch-diameter E-Loop Pipeline across the Licking River between Robertson and Nicholas Counties to replace the existing 16-inch-diameter pipeline crossing;
- installation of a bi-directional launcher/receiver on Line EM2 at an existing meter station in Menifee County, Kentucky, to make the pipeline pig-capable;
- modification of 12 sites on Line EKY to make the pipeline pig-capable;
- construction of about 1,800 feet of new 14-inch-diameter pipeline across the Licking River between Robertson and Nicholas Counties to replace the existing dual 12-inch-diameter pipeline crossing;
- construction of about 1,500 feet of new 14-inch-diameter pipeline across the North Fork Licking River between Bracken and Robertson Counties to replace the existing dual 12-inch-diameter pipeline crossing; and
- install four bi-directional launcher/receiver sites on Line EM7 to make the pipeline pig-capable in Menifee, Robertson, and Nicholas Counties.

The general location of the project facilities is shown in appendix 1.[3]

Land Requirements for Construction

Construction of the planned facilities would disturb about 192 acres of land for the aboveground facilities and the pipeline. Following construction, Columbia would maintain about 73 acres for permanent operation of the Project's facilities; the remaining acreage would be restored and revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [4] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[5] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Fish and Wildlife Service has expressed its intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[6] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[3] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[5] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[6] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Columbia. This preliminary list of issues may change based on your comments and our analysis.

- Impacts on federally listed threatened and endangered species;
- Impacts on perennial waterbodies; and
- Impacts on wetlands.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 26, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF14–15–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

Once Columbia files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF14–15). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: August 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21163 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14357–001]

San Jose Water Company; Notice of Effectiveness of Surrender

On May 24, 2012, the Commission issued an Order Granting Exemption from Licensing (Conduit) [1] to the San Jose Water Company (SJWC), for the Hostetter Turnout Pressure Reducing Valve Modernization Project, FERC No. 14357. The unconstructed project would have been located in parallel with the Hostetter Turnout Pressure Reduction Facility (Hostetter Turnout Station) in San Jose, California.

On May 07, 2014, SJWC filed an application with the Commission to surrender the exemption. SJWC says the underground vault design shows that the project would be partially located on private property, outside of the public

[1] *San Jose Water Company*, 139 FERC ¶ 62,153 (2012).

right-of-way. Due to this issue SJWC has decided not to move forward with construction of the project, citing economic difficulty.

Accordingly, the Commission accepts SJWC's surrender of its exemption from licensing, effective 30 days from the date of this notice, at the close of business on Friday, September 26, 2014. No license, exemption, or preliminary permit applications for the project site may be filed until Monday, September 29, 2014.

Dated: August 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21162 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–95–000]

PJM Interconnection, L.L.C.; Notice of Filing

Take notice that on August 26, 2014, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824(e) and Part 35 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR Part 35, PJM Interconnection, L.L.C. (PJM) filed proposed revisions to section 6.4.2 of Schedule 1 of the Amended and Restated Operating Agreement, to revise PJM rules related to offer price adders (FMU adders) for generation units that are frequently offer capped and eliminate the unjust and unreasonable status quo that currently exists in which FMU adders act as windfall revenues for most Market Sellers of Frequently Mitigated Units, as more fully described in the filing.

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 Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 16, 2014.

Dated: August 28, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21096 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2707–000]

Mammoth Plains Wind Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Mammoth Plains Wind Project, LLC's application for market-based rate authority, with an accompanying rate schedule, 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 September 17, 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(s) 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: August 28, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21097 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2708–000]

Seiling Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Seiling Wind, LLC's application for market-based rate authority, with an accompanying rate schedule, 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 September 17, 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(s) 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: August 28, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21098 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2709–000]

Seiling Wind II, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Seiling Wind II, LLC's application for market-based rate authority, with an accompanying rate schedule, 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 September 17, 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(s) 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: August 28, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21099 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2710–000]

Palo Duro Wind Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Palo Duro Wind Energy, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 C.F.R. 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 September 17, 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(s) 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: August 28, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21100 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–96–000]

Spinning Spur Wind Two, LLC; Spinning Spur Wind Three, LLC: Notice of Petition for Declaratory Order

Take notice that on August 26, 2014, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (FERC or Commission) Rules of Practice and Procedure, 18 CFR 385.207, Spinning Spur Wind Two, LLC and Spinning Spur Wind Three, LLC (collectively, the Petitioners) filed a petition for declaratory order requesting that the Commission disclaim jurisdiction over Petitioners as ''public utilities'' under section 201(e) of the Federal Power Act, 16 U.S.C. 824, if they share ownership of poles and other non-electrical facilities used both for Petitioners' non-FERC jurisdictional shared generation-tie line and a FERC jurisdictional generation-tie line owned and operated by an affiliate.

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 p.m. Eastern Time on September 25, 2014.

Dated: August 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21159 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14087–001]

Black Canyon Hydro, LLC; Notice of Successive Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On July 1, 2014, Black Canyon Hydro, LLC filed an application for a successive preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Black Canyon Pumped Storage Project (project) to be located at the U.S. Bureau of Reclamation's Kortes and Seminoe Dams near Rawlins in Carbon County, Wyoming. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project has five alternatives and would consist of the following:

East Reservoir-Kortes Alternative

(1) The existing Kortes Reservoir as the lower reservoir; (2) a new, 45-foot-high, 8,724-foot-long earthen or rockfill East Reservoir embankment; (3) a new artificial, lined East Reservoir with a storage capacity of 9,700-acre-foot; (4) a 3,800-foot-long, 18.7-foot-diameter concrete-lined pressure shaft; (5) a 200-foot-long, 22.4-foot-diameter concrete-lined tailrace; (6) a 280-foot-long, 70-foot-wide, 120-foot-high powerhouse; and (7) 0.75-mile-long, 230-kilovolt (kV) transmission line to an interconnection point to the Western Area Power Administration (WAPA) Miracle Mile-Cheyenne transmission line on the Seminoe Reservoir side of the project.

East Reservoir-Seminoe Alternative

(1) The existing Seminoe Reservoir as the lower reservoir; (2) a new, 45-foot-high, 8,724-foot-long earthen or rockfill East Reservoir embankment; (3) a new artificial, lined East Reservoir with a storage capacity of 9,700-acre-foot; (4) a 800-foot-long, 20.4-foot-diameter unlined or concrete-lined low-pressure tunnel; (5) a 5,800-foot-long, 20.4-foot-diameter concrete-lined pressure shaft; (6) a 200-foot-long, 24.5-foot-diameter concrete-lined tailrace; and (7) a 280-foot-long, 70 foot-wide, 120-foot-high powerhouse. The interconnection point to the WAPA Miracle Mile-Cheyenne line is adjacent to the powerhouse and a transmission line is not required.

North Reservoir-Kortes Alternative

(1) The existing Kortes Reservoir as the lower reservoir; (2) a new, 45-foot-high, 6,280-foot-long earthen or rockfill North Reservoir embankment; (3) a new artificial, lined North Reservoir with a storage capacity of 5,322-acre-foot; (4) a 1,400-foot-long, 18.7-foot-diameter unlined or concrete-lined low-pressure tunnel; (5) a 1,960-foot-long, 18.7-foot-diameter concrete-lined pressure tunnel; (6) a 560-foot-long, 22.4-foot-diameter concrete-lined tailrace; (7) a 250-foot-high, 60-foot-wide, 120-foot-high powerhouse; and (8) a 1-mile-long, 230-kV transmission line to an interconnection point of the WAPA Miracle Mile-Cheyenne transmission line on the Seminoe Reservoir side of the project.

North Reservoir-Seminoe Alternative A

(1) The existing Seminoe Reservoir as the lower reservoir; (2) a new, 45-foot-high, 6,280-foot-long earthen or rockfill North Reservoir embankment; (3) a new artificial, lined North Reservoir with a storage capacity of 5,322-acre-foot; (4) a 1,400-foot-long, 20.4-foot-diameter unlined or concrete-lined low-pressure tunnel; (5) a 3,780-foot-long, 20.4-foot-diameter concrete-lined pressure tunnel; (6) a 1,307-foot-long, 24.5-foot-diameter concrete-lined tailrace; (7) an 250-foot-high, 60-foot-wide, 120-foot-high powerhouse; and (8) a 0.25-mile-long, 230-kV transmission line interconnecting with the WAPA Miracle Mile-Cheyenne line.

North Reservoir-Seminoe Alternative B

(1) The existing Seminoe Reservoir as the lower reservoir; (2) the new North Reservoir embankment and Reservoir also proposed in North Reservoir-Kortes Alternative (items 2 and 3 above); (3) a 1,400-foot-long, 20.4-foot-diameter unlined or concrete-lined low-pressure tunnel; (4) a 3,780-foot-long, 20.4-foot-diameter concrete-lined pressure tunnel; (5) a 1,307-foot-long, 24.5-foot-diameter concrete-lined tailrace; (6) an 250-foot-high, 60-foot-wide, 120-foot-high semi-surface powerhouse; and (7) a 0.35-mile-long, 230-kV transmission line interconnecting with the WAPA Miracle Mile-Cheyenne line.

The generating equipment for all of the alternatives will consist of three 166-megawatt (MW) adjustable-speed reversible pump-turbines with a total generating and pumping capacity of 500 MW. The estimated annual generation of the project would be 2,628 gigawatt-hours.

Applicant Contact: Mr. Matthew Shapiro, Black Canyon Hydro, LLC, 1210 W. Franklin Street, Suite 2, Boise, Idaho 83702; phone: (208) 246–9925.

FERC Contact: Kelly Wolcott; phone: (202) 502–6480.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14087–001.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14087) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 26, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21168 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2337–076–Oregon]

PacifiCorp Energy; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.[1] The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Oregon State Historic Preservation Officer (hereinafter, SHPO), and the Advisory Council on Historic Preservation (hereinafter, Council) pursuant to the Council's regulations, 36 CFR part 800, implementing section 106 of the National Historic Preservation Act, *as amended,* (16 U.S.C. section 470 f), to prepare and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Prospect No. 3 Hydroelectric Project (Project No. 2337–076).

The programmatic agreement, when executed by the Commission and the SHPO would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission's responsibilities pursuant to section 106 for the Prospect No. 3 Project would be fulfilled through the programmatic agreement, which the Commission proposes to draft in consultation with certain parties listed below. The executed programmatic agreement would be incorporated into any Order issuing a license.

PacifiCorp Energy, as the licensee for the Prospect No. 3 Hydroelectric Project, and the Rouge River-Siskiyou National Forest and Cow Creek Band of Umpqua Tribe of Indians have expressed an interest in this preceding and are invited to participate in consultations to develop the programmatic agreement.

For purposes of commenting on the programmatic agreement, we propose to restrict the service list for the aforementioned project as follows:

John Eddins or Representative, Office of Planning and Review, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave. NW., Suite 809, Washington, DC 20004

Dan Courtney or Representative, Cow Creek Band of Umpqua Tribe of Indians, 2371 NE Stephens Street, Ste. 100, Roseburg, OR 97470

Steve Albertelli or Representative, PacifiCorp Energy, 925 South Grape Street, Building 5, Medford, OR 97501

Dennis Griffin or Representative, Oregon Heritage, Oregon Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301

Mellissa Schroeder or Representative, Rouge River-Siskiyou Nation Forest, 3040 Biddle Road, Medford, OR 97504

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason(s) why there is an interest to be included. Also please identify any concerns about historic properties, including Traditional Cultural Properties. If historic properties are to be identified within the motion, please use a separate page, and label it NON–PUBLIC Information.

Any such motions may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.'' For assistance, please contact FERC Online Support at *mailto:fercoNLINEsUKPPORT@FERC.GOV FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659.

Although the Commission strongly encourages electronic filing, documents

[1] 18 CFR 385.2010.

may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please put the project number (P–2337–076) on the first page of the filing.

If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

Dated: August 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21160 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–537–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization

Take notice that on August 19, 2014, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Highway 56, Owensboro, Kentucky 42301, filed in the above Docket, a prior notice request pursuant to section 157.216 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to permanently abandon and plug eighteen vertical injection/withdrawal gas storage wells within it Colony Storage Field located in Anderson and Allen Counties, Kansas. Southern Star states that the wells are in close proximity to residential homes within the city limits of Colony and the abandonment will result in no change to the storage field's current certificated capabilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to David N. Roberts, Analyst Staff, Regulatory Compliance, Southern Star Central Gas Pipeline, Inc., 4700 State Highway 56, Owensboro, Kentucky 42301, at (270) 852–4654 or fax at (270) 852–5010, or email to *david.n.roberts@sscgp.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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 motions or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant, on or before the comment date. It is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: August 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21165 Filed 9–4–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9016–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/*.

Weekly Receipt of Environmental Impact Statements

Filed 08/25/2014 through 08/29/2014 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html*.

EIS No. 20140244, Final EIS, BIA, MA, Mashpee Wampanoag Tribe Fee to Trust Acquisition and Casino Project, Review Period Ends: 10/06/2014, Contact: Chester McGhee 615–564–6500.

EIS No. 20140245, Draft EIS, BOEM, 00, Gulf of Mexico OCS Oil and Gas Lease Sales: 2015 and 2016; Western Planning Area Lease Sales 246 and 248, Comment Period Ends: 10/20/2014, Contact: Gary D. Goeke 504–736–3233.

EIS No. 20140246, Draft EIS, USFS, CA, Master Special Use Permit and Permit to Construct Power Line Replacement Projects, Comment Period Ends: 11/04/2014, Contact: Robert Hawkins 916–849–8037.

EIS No. 20140247, Draft EIS, USFWS, CO, San Luis Valley National Wildlife Refuge Complex, Comment Period Ends: 10/27/2014, Contact: Laurie Shannon 303–236–4317.

EIS No. 20140248, Final EIS, FTA, CA, Downtown San Francisco Ferry Terminal Expansion Project, Contact: Alex Smith 415–744–2599. Under MAP–21 section 1319, FTA has

issued a single FEIS and ROD. Therefore, the 30-day wait/review period under NEPA does not apply to this action.

EIS No. 20140249, Final EIS, USFS, CA, Rim Fire Recovery, Contact: Maria Benech 209–532–3671. The issuance of this Final EIS reflects the President's Council on Environmental Quality (CEQ) alternative arrangements granted in accordance with 40 CFR 1506.11 on December 9, 2013. CEQ specifically eliminated the 30-day waiting period between the publication of the FEIS and the Record of Decision.

EIS No. 20140250, Final EIS, HHS, GA, Centers for Disease Control and Prevention Roybal Campus 2025 Master Plan EIS, Review Period Ends: 10/06/2014, Contact: George Chandler 404–639–5153.

EIS No. 20140251, Final EIS, NMFS, 00, Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan, Review Period Ends: 10/06/2014, Contact: Margo Schulze-Haugen 301–427–8534.

EIS No. 20140252, Final EIS, USFS, MS, Revised Land and Resource Management Plan for the National Forests in Mississippi, Review Period Ends: 12/04/2014, Contact: Shaun Williamson 601–965–1659.

EIS No. 20140253, Draft EIS, NMFS, 00, Recreational Red Snapper Sector Separation, Amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, Comment Period Ends: 10/20/2014, Contact: Roy E. Crabtree 727–824–5301.

EIS No. 20140254, Draft EIS, NMFS, USFW, WA, To Analyze Impacts of Issuance by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service of Two Incidental Take Permits under Section 10 of the Endangered Species Act for Implementation of the Washington Department of National Resources Aquatic Lands Habitat Conservation Plan, Comment Period Ends: 12/04/2014, Contact: Scott Anderson 360–753–5828. The U.S. Department of Commerce's National Marine Fisheries Service and the U.S. Department of the Interior's Fish and Wildlife Service are joint lead agencies for the above project.

Amended Notices

EIS No. 20140215, Final EIS, USACE, FL, Central Everglades Planning Project, Review Period Ends: 10/03/2014, Contact: Dr. Gretchen Ehlinger 904–232–1682. Revision to FR Notice Published 08/08/2014; Extending the Comment Period from 09/08/2014 to 10/03/2014.

EIS No. 20140241, Draft Supplement, FHWA, CO, I–70 East, from I–25 to Tower Road, Comment Period Ends: 10/17/2014, Contact: Chris Horn 720–963–3017. Revision to FR Notice Published 09/03/2014; This project was included in EPA's NOA that was inadvertently omitted from FR Publication 08/29/2014. Therefore, the Comment Period has been recalculated from 10/14/2014 to 10/17/2014.

EIS No. 20140242, Draft EIS, USFS, CO, Pawnee National Grassland Oil and Gas Leasing Analysis, Comment Period Ends: 10/20/2014, Contact: Karen Roth 970–295–6621. Revision to FR Notice Published 09/03/2014; This project was included in EPA's NOA that was inadvertently omitted from FR Publication 08/29/2014. Therefore, the Comment Period has been recalculated from 10/14/2014 to 10/20/2014.

EIS No. 20140243, Draft EIS, USFS, NV, Heavenly Mountain Resort Epic Discovery Project, Comment Period Ends: 10/21/2014, Contact: Matt Dickinson 530–543–2769. Revision to FR Notice Published 09/03/2014; This project was included in EPA's NOA that was inadvertently omitted from FR Notice 08/29/2014. Correction to the Comment Period should be 10/21/2014.

Dated: September 2, 2014.

Dawn Roberts,

Management Analyst, EPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–21202 Filed 9–4–14; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 11, 2014, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- August 14, 2014

B. New Business

- Fall 2014 Abstract of the Unified Agenda of Federal Regulatory and Deregulatory Actions and Fall 2014 Regulatory Projects Plan

C. Reports

- Quarterly Report on Economic Conditions and FCS Conditions

Closed Session*

Reports

- Office of Examination Quarterly Report

*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

Dated: September 3, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–21316 Filed 9–3–14; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10443, First Capital Bank; Kingfisher, Oklahoma

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for First Capital Bank, Kingfisher, Oklahoma (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of First Capital Bank on June 8, 2012. The liquidation of the

receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: September 2, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–21172 Filed 9–4–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

September 2, 2014.

TIME AND DATE: 11:00 a.m., Thursday, September 18, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Jim Walter Resources, Inc.,* Docket Nos. SE 2007–203–R *et al.* (Issues include whether the Judge erred in applying the ''reasonably prudent person'' test in determining whether a roof fall violation occurred.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Sarah Stewart (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2014–21264 Filed 9–3–14; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

September 2, 2014.

TIME AND DATE: 10:00 a.m., Thursday, September 18, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *State of Alaska, Department of Transportation,* Docket No. WEST 2008–1490–M. (Issues include whether MSHA has regulatory jurisdiction over certain equipment because the process in question constitutes ''milling.'').

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Sarah Stewart (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2014–21263 Filed 9–3–14; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 2, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Hartland Financial, Inc.*, Hartford, Kentucky; to become a bank holding company by acquiring 100 percent of Citizens Bank, Hartford, Kentucky.

2. *Home BancShares, Inc.*, Conway, Arkansas; to acquire, through merger, Broward Financial Holdings, Inc., Fort Lauderdale, Florida, and thereby indirectly acquire Broward Bank of Commerce, Fort Lauderdale, Florida.

B. Federal Reserve Bank of Minneapolis (Jacqueline K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Mackinac Financial Corporation*, Manistique, Michigan; to acquire, through a merger with and into a wholly-owned subsidiary of Mackinac, PFC Acquisition, LLC, Manistique, Michigan, (''Mackinac'') 100 percent of Peninsula Financial Corporation, Ishpeming, Michigan and thereby indirectly acquire Peninsula Bank, Ishpeming, Michigan. In connection with this application, Mackinac has applied to become a bank holding company.

Board of Governors of the Federal Reserve System, September 2, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–21171 Filed 9–4–14; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CECANF–2014–05; Docket No. 2014–0006; Sequence No. 5]

Commission To Eliminate Child Abuse and Neglect Fatalities; Announcement of Meeting

AGENCY: Commission to Eliminate Child Abuse and Neglect Fatalities, GSA.

ACTION: Meeting Notice.

SUMMARY: The Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), a Federal Advisory Committee established by the Protect Our Kids Act of 2012, Public Law 112–275, will hold a meeting open to the public on Monday, September 22 and Tuesday, September 23, 2014 in Denver, Colorado.

DATES: The meeting will be held on Monday, September 22 2014, from 8:30 a.m. to 5:00 p.m., and Tuesday, September 23, from 8:30 a.m.–2:30 p.m. Mountain Time.

ADDRESSES: CECANF will convene its meeting at One Denver Federal Center, Building 41—Remington Arms Room, Denver, CO 80225. This site is accessible to individuals with disabilities. The meeting will also be made available via teleconference.

Submit comments identified by ''Notice–CECANF–2014–05'', by either of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Notice–CECANF–2014–05''. Select the link ''Comment Now'' that corresponds with ''Notice–CECANF–2014–05''. Follow the instructions provided at screen. Please include your name, organization name (if any), and ''Notice–CECANF–2014–05'' on your attached document.
- *Mail:* Commission to Eliminate Child Abuse and Neglect Fatalities, c/o General Services Administration, Agency Liaison Division, 1800 F St. NW., Room 7003D, Washington, DC 20006.

Instructions: Please submit comments only and cite ''Notice–CECANF–2014–05'' in all correspondence related to this notice. 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: Visit the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/* or contact Ms. Patricia Brincefield, Communications Director, at 202–818–9596, 1800 F St. NW., Room 7003D, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

Background: CECANF was established to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

Agenda: The purpose of the meeting is for Commission members to gather national and state-specific information regarding child abuse and neglect fatalities. The Commission will hear from researchers and issue experts regarding the scope of the problem, strategies for improving national data collection, policy barriers and opportunities to reduce maltreatment fatalities, confidentiality issues, and potential solutions. Experts from such disciplines as child welfare, law enforcement, health, and public health will present strategies for addressing the issue of child abuse and neglect fatalities.

Attendance at the Meeting: Individuals interested in attending the meeting in person or participating by webinar and teleconference line must register in advance. To register to attend in person or by webinar/phone, please go to *https://attendee.gotowebinar.com/register/2847427613386511874* and follow the prompts. You will receive a confirmation email once you register with the webinar login and teleconference number. Detailed meeting minutes will be posted within 90 days of the meeting. Members of the public will not have the opportunity to ask questions or otherwise participate in the meeting.

However, members of the public wishing to comment should follow the steps detailed under the heading Addresses in this publication or contact us via the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/contact-us/.*

Dated: August 26, 2014.

Karen White,

Executive Assistant.

[FR Doc. 2014–21142 Filed 9–4–14; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Guide to Nursing Home Antimicrobial Stewardship.'' In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on May 21st 2014 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by October 6, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Project

Guide to Nursing Home Antimicrobial Stewardship

This project seeks to contribute to AHRQ's mission by assisting nursing homes to optimize antimicrobial (e.g., antibiotics and antifungals) prescribing practices, also referred to as antimicrobial stewardship. Antimicrobial stewardship programs reduce the development of drug-resistant organisms, enhance patient outcomes, and reduce unnecessary costs.

Nursing homes serve as one of our most fertile breeding grounds for antibiotic-resistant strains of bacteria. This stems from high rates of infection in nursing home residents due to the effects of normal aging combined with multiple chronic diseases. The most common infections encountered in nursing home residents are pneumonia, urinary tract infections, and skin and soft tissue infections. In one study by Yoshikawa and Norman, researchers found that these three types of infections accounted for approximately 75 percent of all nursing home-associated infections (NHAIs). High

rates of these infections lead to antimicrobials being among the most commonly prescribed pharmaceuticals in long-term care settings. In nursing homes, where polypharmacy is the rule rather than the exception, as many as 40 percent of all prescriptions are for antimicrobial agents, and depending on the study, 25 percent to 75 percent have been deemed inappropriately prescribed. Such inappropriate prescribing results in negative outcomes, including adverse drug events, hospital admissions, and higher health care costs. Most significantly, inappropriate antimicrobial prescribing gives rise to the development of multi-drug resistant organisms (MDROs), including Methicillin-resistant Staphylococcus aureus, Vancomycin-resistant Enterococci, and fluoroquinolone-resistant strains of a variety of bacteria, and leads to the development of Clostridium difficile infections.

In general, determining ''appropriateness'' of antimicrobial use in healthcare settings is challenging to standardize. This becomes even more complicated in the nursing home setting because most antimicrobial courses are started empirically (without results from labs) due to the limited diagnostics available to many nursing homes. In an effort to address the need for optimizing antibiotic use in the nursing homes, AHRQ is testing a Guide to Nursing Home Antimicrobial Stewardship (the Guide). The Guide is intended to help nursing home staff easily identify toolkits that have been shown to be effective in optimizing antimicrobial use. There are multiple toolkits that could be used by a nursing home, and nursing homes face a potentially time-consuming decision process to choose the most appropriate one. The Guide is intended to help nursing homes make this choice efficiently and effectively.

The research has the following goals:

- Develop a nursing home-specific antimicrobial stewardship guide, containing toolkits to assist nursing homes to optimize antimicrobial prescribing practices, monitor microbes and antimicrobial use, enhance communication between nursing home staff and attending clinicians, and enhance communication and engagement with residents and family members regarding optimizing antimicrobial practices.
- Evaluate the ability of nursing homes to use the Guide and improve antimicrobial use through better stewardship.
- Develop a plan to ensure wide dissemination of the findings and recommendations for antimicrobial stewardship uptake in nursing homes.

This study is being conducted by AHRQ through its contractor, American Institutes for Research, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

(1) Medical Record Review (MRR). The MRR will be used to obtain data about antimicrobial prescribing practices, infection prevalence, and residents' health and functional statuses. These data will be used in the evaluation of the Guide's impact. Members of the research team will review the nursing home's medical charts, the Nursing Home Minimum Data Set (MDS), and the nursing home's infection control log for an evaluation period of at least 12 months (6 months before and 6 months after the introduction of the Guide). The MDS is part of the federally mandated process for clinical assessment of all residents in Medicare and Medicaid certified nursing homes. This process provides a comprehensive assessment of each resident's functional capabilities and helps nursing home staff identify health problems. Care Area Assessments are part of this process, and provide the foundation upon which a resident's individual care plan is formulated. MDS assessments are completed for all residents in certified nursing homes, regardless of source of payment for the individual resident. AHRQ will support data abstraction at all nursing homes.

(2) Cost Data Analysis. AHRQ will use the number and type of antimicrobial prescriptions and secondary estimates of the unit cost of these prescriptions, obtained from external sources, to compute the marginal impact of the Guide on the cost of antimicrobials for nursing homes.

(3) Pre-intervention interviews with nursing home leaders. The purpose of these interviews is to gain an understanding of perceptions and current activities regarding antimicrobial stewardship and to assess the likelihood that the Guide will be used with a reasonable degree of fidelity to the implementation plan. This will involve both closed and open-ended interviews with nursing home leaders (administrator, director of nursing, assistant director of nursing, and/or medical director). The open ended interviews will examine (1) how the staff perceive antimicrobial stewardship; (2) the amount of experience the staff has in antimicrobial stewardship and its processes for handling the diagnosis and treatment of infections; and (3) which toolkit or toolkits are likely to be adopted and why. This information will help us identify interests by nursing homes and potential barriers to adopting a toolkit from the Guide. This information also will be used to develop dissemination guidance. The closed ended interview questions, will be comprised of the Absorptive Capacity for Change survey, which asks about (1) leadership culture; (2) clinician culture; (3) presence of certified medical directors; and (4) level of antimicrobial surveillance. For the Evaluation, two leadership staff at each nursing home will be interviewed for a total of 20 interviews prior to implementing the intervention.

(4) Passive Technical Assistance (TA). The purpose of collecting these data is to obtain information on the types of TA needed as they emerge during the 6-month intervention period. This information will be used to improve the Guide. AHRQ projects 60 contacts from nursing home staff involved in implementing the Guide (10 sites, one per month at each site during the 6-month intervention period).

(5) Proactive TA discussions. The purpose of collecting these data is to obtain information on the facilitators, challenges, and unintended consequences of implementing a particular tool or toolkit. These informal discussions will be held at each nursing home once a month during the 6-month intervention phase. Staff will be asked about what activities they are conducting, changes to implementation, any facilitators, any challenges, and how they have addressed any challenges. This information will be used to improve the Guide. For the Evaluation, two individuals from each nursing home are projected to attend each of the six conference calls for a total of 20 individuals and a total of 120 contacts.

(6) Post-intervention interviews. The purpose of these interviews is to identify (1) facilitators and barriers to implementation; (2) perceived impacts of the Guide on the use of antimicrobials within the nursing home; (3) the nursing home's views on the business case for the Guide; and (4) ways to improve the tools. At a minimum two nursing home leaders and two champions (if different from

leaders) will be interviewed. In addition, depending on the tool or toolkit selected, up to two prescribing clinicians, two nurses, or two residents or family members might be interviewed after the 6-month intervention period is completed. No more than six individuals per nursing home will be interviewed for a total of 60 interviewees. Interviews may take place together.

The information described above will be used to evaluate the Guide and, if found to be effective, develop a wide-spread dissemination plan for the Guide.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this information collection.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Passive TA Collection Protocol	20	3	20/60	20
General Review of the Guide	20	1	2	40
Pre-intervention interview protocol	20	1	1	20
Proactive TA discussion protocol	20	6	30/60	60
Post-intervention interview protocols	60	1	1	60
Total	140	na	na	200

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Passive TA Collection Protocol	20	20	$30.34	$607
General review of the Guide	20	40	30.34	1,214
Pre-intervention interview protocol	20	20	30.34	607
Proactive TA discussion protocol	20	60	30.34	1,820
Post-intervention interview protocols	60	60	30.34	1,820
Total	140	200	na	6,068

* National Compensation Survey: Occupational wages in the United States May 2013, ''U.S. Department of Labor, Bureau of Labor Statistics.'' We used an average across the following types of staff: Nursing home registered nurses ($29.81) 29–1141, nursing home licensed practical/vocational nurses ($21.14) 29–2061, and nursing home administrator ($40.07) 11–9111. Our average was created by adding each of these three and dividing by three for the average. Sources: *http://www.bls.gov/oes/current/oes291141.htm* and *http://www.bls.gov/oes/current/oes292061.htm; http://www.bls.gov/oes/current/oes119111.htm.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: August 20, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–20422 Filed 9–4–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2012–0013]

Notice of Availability of the Final Environmental Impact Statement

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Notice of Availability and Request for Comment.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the availability of the Final Environmental Impact Statement (FEIS) for the Roybal Campus 2025 Master Plan. The FEIS analyzes the potential impacts associated with the implementation of the 2015–2025 Master Plan (Master Plan) for HHS/CDC's Edward R. Roybal Campus (Roybal Campus) located at 1600 Clifton Road NE., in Atlanta, Georgia. This announcement follows the requirements of the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council on Environmental Quality (CEQ) Regulations (40 CFR Part 1500–1508); and, the Department of Health and Human Services (HHS) General Administration Manual Part 30 Environmental Procedures, dated February 25, 2000.

DATES: The FEIS will be available for public review and comment through Monday, October 6, 2014 which coincides with the publication of the NOA by the EPA in the **Federal Register**. Following the 30 day comment period, HHS/CDC will issue a Record of Decision which identifies the Selected

Alternative and provides rationale for the decision. Written comments must be received on or before Monday, October 6, 2014.

ADDRESSES: The FEIS is available on the *Federal eRulemaking Portal: http://www.regulations.gov,* identified by Docket No. CDC–012–0013. Hard copies of the FEIS are also available for review at locations listed in the Availability of the FEIS under **SUPPLEMENTARY INFORMATION.**

You may submit written comments identified by Docket No. CDC–2012–0013, by the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* George F. Chandler, Senior Advisor, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop A–22, Atlanta, Georgia 30333.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For access to the docket, to read background documents or previous comments received, go to *http://www.regulations.gov.*

Final comments on the FEIS must be postmarked by Monday, October 6, 2014.

FOR FURTHER INFORMATION CONTACT: George F. Chandler, Senior Advisor, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop A–22, Atlanta, Georgia 30333. Telephone: (404)639–5153.

SUPPLEMENTARY INFORMATION: HHS/CDC has prepared a new long-range Master Plan to guide the future physical development of the Roybal Campus for the planning horizon of 2015 to 2025. The previous 2000–2009 Master Plan has been implemented, and as a result, a new plan is needed in order to ensure that the campus can support HHS/CDC's mission and program requirements through 2025. Mission change and growth resulting from emerging or reemerging infectious diseases, changes in technology and potential Program staff growth over time are expected to drive increases in laboratory and non-laboratory staff and demand for specialized space. The Master Plan provides an update of baseline existing conditions and examines the potential growth in agency mission, laboratory and laboratory support space, office space and personnel occupying the Roybal Campus, and identifies a preferred alternative for future development.

The FEIS analyzes the effects of the Proposed Action and the No Action Alternative. The Proposed Action Alternative consists of HHS/CDC's implementation of the Master Plan preferred alternative. Improvements proposed under the Master Plan preferred alternative include new laboratory construction, existing building renovation, parking expansion, and infrastructure upgrades. Under the Master Plan preferred alternative, a new laboratory building of approximately 350,000 to 450,000 gross square feet would be constructed on an existing surface parking lot located in the eastern portion of the Roybal Campus. A new approximately 1,600 space parking deck would be constructed in the southeastern portion of the campus. Construction of the new parking deck, along with the new laboratory and supporting infrastructure would eliminate an existing surface parking and result in a net increase of approximately 1,200 parking spaces at the Roybal Campus. The construction of the new parking deck would increase the existing campus parking cap from 3,300 to approximately 4,500 spaces. The employee population at the Roybal Campus is estimated to increase by approximately 1,485 new occupants under the Master Plan preferred alternative by 2025.

The No Action Alternative represents continued operation of the existing facilities at the Roybal Campus without any new construction or any major building additions over the ten-year planning period from 2015 to 2025. However, the employee population at the Roybal Campus is projected to increase by approximately 865 new occupants under the No Action Alternative due to potential background growth of existing Campus programs.

The DEIS for the Roybal Campus 2025 Master Plan was issued for public review in January of 2014. The DEIS was filed with the EPA the week of January 13, 2014 through January 17, 2014 and a Notice of Availability (NOA) for the DEIS was published in the **Federal Register** on January 24, 2014 by the EPA. The public review period for the DEIS extended to April 10, 2014. During the public comment period, a public meeting was held on March 20, 2014. HHS/CDC received 24 sets of comments addressing the DEIS, with a total of 111 individual comments. HHS/CDC reviewed and considered all comments that were received during the public review period. All comments and HHS/CDC's response to comments are contained in the FEIS. Portions of the FEIS were revised in response to comments which called for clarifications or factual changes. Additional mitigation related to potential visual impacts were incorporated in response to public comments.

Availability of the FEIS: Copies of the FEIS were distributed to Federal, State, and local government agencies with jurisdiction by law or expertise, elected officials and all agencies, persons and organizations that submitted comments on the DEIS.

The FEIS is also available online on the *Federal eRulemaking Portal: http://www.regulations.gov,* identified by Docket No. CDC–2012–0013. Copies of the FEIS are available at the following locations: Decatur Library, 215 Sycamore Street, Decatur, GA 30030; Toco Hill-Avis G. Williams Library, 1282 McConnell Drive, Decatur, GA 30030; Atlanta-Public Library Ponce de Leon Branch, 980 Ponce de Leon Ave. NE., Atlanta, GA 30306; Atlanta-Public Library—Central Library, One Margaret Mitchell Square, Atlanta, GA 30303; Atlanta-Public Library—Kirkwood Branch, 11 Kirkwood Rd. NE., Atlanta, GA 30317; and, Emory University-Robert W. Woodruff Library, 540 Asbury Cir., Atlanta, GA 30322.

Dated: September 2, 2014.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2014–21147 Filed 9–4–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10123 and –10124, CMS–10147, CMS–10252, CMS–10340, CMS–R–235, CMS–R–268 and CMS–10519]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested

persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 6, 2014.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or, Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Fast Track Appeals Notices: NOMNC/DENC; *Use:* Providers shall deliver a Notice of Medicare (Provider) Non-Coverage (NOMNC) to beneficiaries, enrollees, or both beneficiaries and enrollees no later than two days prior to the end of Medicare-covered services in skilled nursing facilities, home health agencies, comprehensive outpatient rehabilitation facilities, and hospices. Beneficiaries, enrollees or both beneficiaries and enrollees will use this information to determine whether they want to appeal the service termination to their Quality Improvement Organization (QIO). If the beneficiaries, enrollees or both beneficiaries decide to appeal, the Medicare provider or health plan will send the QIO and appellant a Detailed Explanation of Non-Coverage (DENC) detailing the rationale for the termination decision. *Form Number:* CMS–10123 and –10124 (OMB control number: 0938–0953); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 24,915; *Total Annual Responses:* 5,347,980; *Total Annual Hours:* 927,901. (For policy questions regarding this collection contact Janet Miller at 404–562–1799).

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Prescription Drug Coverage and Your Rights; *Use:* Through the delivery of this standardized notice, Part D plan sponsors' network pharmacies are in the best position to inform enrollees (at the point of sale) about how to contact their Part D plan if their prescription cannot be filled and how to request an exception to the Part D plan's formulary. The notice restates certain rights and protections related to the enrollees Medicare prescription drug benefits, including the right to receive a written explanation from the drug plan about why a prescription drug is not covered. *Form Number:* CMS–10147 (OMB control number: 0938–0975); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 56,000; *Total Annual Responses:* 37,620,000; *Total Annual Hours:* 626,749. (For policy questions regarding this collection contact Kathryn M. Smith at 410–786–7623).

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Data Use Agreement (DUA) Certificate of Disposition (COD) for Data Acquired from the Centers for Medicare & Medicaid Services; *Use:* The Data Use Agreement (DUA) Certificate of Disposition (COD) is required to close out the release of the data under the DUA and to ensure the data are destroyed and not used for another purpose without written authorization from CMS. The Health Insurance Portability and Accountability Act (HIPAA) of 1996, § 1173(d) (Security Standards for Health Information) requires CMS to protect Personally Identifiable Information (PII). Additionally, the Federal Information Security Management Act (FISMA) of 2002, § 3544(b) (Federal Agency Responsibilities—Agency Program) also requires CMS to develop policies and procedures for the protection and destruction of sensitive data to include PII. *Form Number:* CMS–10252 (OMB control number: 0938–1046); *Frequency:* Biennial; *Affected Public:* Private Sector—Business or other for-profits, Not-for-profit institutions; *Number of Respondents:* 500; *Total Annual Responses:* 1000; *Total Annual Hours:* 84. (For policy questions regarding this collection contact Sharon Kavanagh at 410–786–5441.)

4. *Type of Information Collection Request:* Revision of a currently approved collection*; Title of Information Collection:* Collection of Encounter Data from Medicare Advantage Organizations, Section 1876 Cost HMOS/CMPS, Section 1833 Health Care Prepayment Plans (HCPPS), and Pace Organizations; *Use:* We collect encounter data or data on each item or service delivered to enrollees of Medicare Advantage (MA) plans offered by MA organizations. MA organizations currently obtain this data from providers. We collect this information using standard transaction forms and code sets. We will use the data for determining risk adjustment factors for payment, updating the risk adjustment model, calculating Medicare DSH percentages, Medicare coverage purposes, and quality review and improvement activities. The data is also used to verify the accuracy and validity of the costs claimed on cost reports. For PACE organizations, encounter data would serve the same purpose it does related to the MA program and would be submitted in a similar manner. The information collection request has been

revised subsequent to the publication of the 60-day **Federal Register** notice (June 2, 2014; 79 FR 31336). *Form Number:* CMS–10340 (OMB control number: 0938–1152); *Frequency:* Weekly; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 683; *Total Annual Responses:* 516,493,635; *Total Annual Hours:* 34,433 (For policy questions regarding this collection contact Michael Massimini at 410–786–1566).

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Data Use Agreement (DUA) Certificate of Disposition for Data Acquired from the Centers for Medicare & Medicaid Services (CMS); *Use:* The Privacy Act of 1974 allows for discretionary releases of data maintained in Privacy Act protected systems of records under § 552a(b) (Conditions of Disclosure). The mandate to account for disclosures of data under the Privacy Act is found at § 552a(c) (Accounting of Certain Disclosures). This section states that certain information must be maintained regarding disclosures made by each agency. This information is: Date, Nature, Purpose, and Name and Address of Recipient. Section 552a(e) sets the overall Agency Requirements that each agency must meet in order to maintain records under the Privacy Act. The Data Use Agreement (DUA) form is needed as part of the review of each CMS data request to ensure compliance with the requirements of the Privacy Act for disclosures that contain PII. The DUA form also provides data requestors and custodians with a formal means to agree to the data protection and destruction statutory and regulatory requirements of CMS' PII data. The Health Insurance Portability and Accountability Act (HIPAA) of 1996, § 1173(d) (Security Standards for Health Information) requires CMS to protect Personally Identifiable Information (PII). Additionally, the Federal Information Security Management Act (FISMA) of 2002, § 3544(b) (Federal Agency Responsibilities—Agency Program) also requires CMS to develop policies and procedures for the protection and destruction of sensitive data to include PII. The information collected by the DUA form is used by CMS to track disclosures, conditions for disclosure, accounting of disclosures and agency requirements dictated by the Privacy Act, HIPAA and FISMA. *Form Number:* CMS–R–235 (OMB control number: 0938–0734); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 9220; *Total Annual Responses:* 9220; *Total Annual Hours:* 2740. (For policy questions regarding this collection contact Sharon Kavanagh at 410–786–5441.)

6. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey Tool for *www.medicare.gov* and *www.cms.hhs.gov*; *Use:* The Balanced Budget Act of 1997 states that the Secretary of Health and Human Services shall maintain a Web site to provide information about CMS activities, programs and topics related to its services. The submission is for OMB authorization to collect data on the reactions of users of the Web sites through the survey tool. We will use the data to improve the Web sites so that they can best serve the needs of their users. Information collected from the survey will be used to make improvements to the sites to make them more user-friendly. *Form Number:* CMS–R–268 (OMB control number: 0938–0756); *Frequency:* Annual; *Affected Public:* Individuals or households; *Number of Respondents:* 7,000; *Total Annual Responses:* 4,900; *Total Annual Hours:* 817. (For policy questions regarding this collection contact Kymeiria Ingram at 410–786–8431.)

7. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Physician Quality Reporting System (PQRS) and the Electronic Prescribing Incentive (eRx) Program Data Assessment, Accuracy and Improper Payments Identification Support; Use: The incentive and reporting programs have data integrity issues, such as rejected and improper payments. This four year project will evaluate incentive payment information for accuracy and identify improper payments, with the goal of recovering these payments. Additionally, based on the project's results, recommendations will be made so that we can avoid future data integrity issues.

Data submission, processing, and reporting will be analyzed for potential errors, inconsistencies, and gaps that are related to data handling, program requirements, and clinical quality measure specifications of PQRS and eRx program. Surveys of Group Practices, Registries, and Data Submission Vendors (DSVs) will be conducted in order to evaluate the PQRS and eRx Incentive Program. Follow-up interviews will occur with a small number of respondents. *Form Number:* CMS–10519 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Business or other for-profits; *Number of Respondents:* 115; *Total Annual Responses:* 115; *Total Annual Hours:* 201. (For policy questions regarding this collection contact Sungsoo Oh at 410–786–7611.)

Dated: September 2, 2014.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–21179 Filed 9–4–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10329, CMS–10422, CMS–10532 and CMS–10394]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by November 4, 2014.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and

recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ___, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10329 Consumer Operated and Oriented (CO–OP) Program

CMS–10422 Payments for Services Furnished by Certain Primary Care Providers and Supporting Regulations in 42 CFR 438.804, 447.400, and 447.410

CMS–10532 Risk Corridors Transitional Policy

CMS–10394 Application to Be a Qualified Entity to Receive Medicare Data for Performance Measurement

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved information collection; *Title of Information Collection:* Consumer Operated and Oriented (CO–OP) Program; *Use:* The Consumer Operated and Oriented Plan (CO–OP) program was established by Section 1322 of the Affordable Care Act. This program provides for loans to establish at least one consumer-operated, qualified nonprofit health insurance issuer in each State. Issuers supported by the CO–OP program will offer at least one qualified health plan at the silver level of benefits and one at the gold level of benefits in the individual market State Health Benefit Exchanges (Exchanges). At least two-thirds of policies or contracts offered by a CO–OP will be open to individuals and small employers. Profits generated by the nonprofit CO–OPs will be used to lower premiums, improve benefits, improve the quality of health care delivered to their members, expand enrollment, or otherwise contribute to the stability of coverage offered by the CO–OP. By increasing competition in the health insurance market and operating with a strong consumer focus, the CO–OP program will provide consumers more choices, greater plan accountability, increased competition to lower prices, and better models of care, benefiting all consumers, not just CO–OP members.

The CO–OP program will provide nonprofits with loans to fund start-up costs and State reserve requirements, in the form of Start-up Loans and Solvency Loans. An applicant may apply for (1) joint Start-up and Solvency Loans; or (3) only a Solvency Loan. Planning Loans are intended to help loan recipients determine the feasibility of operating a CO–OP in a target market. Start-up Loans are intended to assist loan recipients with the many start-up costs associated with establishing a new health insurance issuer. Solvency Loans are intended to assist loan recipients with meeting the solvency requirements of States in which the applicant seeks to be licensed to issue qualified health plans. *Form Number:* CMS–10392 (OMB control number: 0938–1139); *Frequency:* Occasionally; *Affected Public:* Private sector—Not-for-profit institutions; *Number of Respondents:* 23; *Total Annual Responses:* 583; *Total Annual Hours:* 11,621. (For policy questions regarding this collection contact Deepti Loharikar (301–492–4126).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Payments for Services Furnished by Certain Primary Care Providers and Supporting Regulations in 42 CFR 438.804, 447.400, and 447.410; *Use:* The information will be used to document expenditures for the specified primary care services in the baseline period for the purpose of then calculating the expenditure eligible for 100 federal matching funds in calendar years 2015 and 2016, should Congress extend the availability of such funding and make no additional changes in statutory language necessitating programmatic alterations. *Form Number:* CMS–10422 (OMB control number: 0938–1170); *Frequency:* Yearly, once, and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 126,021; *Total Annual Hours:* 63,240. (For policy questions regarding this collection contact Linda Tavener at 410–786–3838).

3. *Type of Information Collection Request:* New collection (Request for a new OMB Control Number); *Title of Information Collection:* Risk Corridors Transitional Policy; *Use:* Section 1342 of the Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) provides for the establishment of a temporary risk corridors program that will apply to qualified health plans in the individual and small group markets for the first three years of Exchange operation. The implementing regulations for this provision are located in Part 153 Title 45 of the Code of Federal Regulations. A final rule was published on March 11, 2014 (79 FR 13834, CMS–9954–F) and is effective May 12, 2014. Under 45 CFR 153.530(e), each issuer conducting business in the individual and small group markets in states that adopted the transitional policy is required to submit enrollment data, including enrollment in transitional policies (i.e. individual or small group health insurance coverage in states that adopted the transitional policy announced in the Centers for Medicare and Medicaid (CMS) letter dated November 14, 2013), on the ''Transitional Adjustment Reporting Form'' prescribed by CMS, for each state in which the issuer conducts business.

We will use the data collection to amend the risk corridors program provisions in 45 CFR Part 153 to mitigate any unexpected losses for issuers of plans subject to risk corridors that are attributable to the effects of this transitional policy. Specifically, we will use the data to calculate the risk corridors adjustment percentage, if any, in transitional states. *Form Number:* CMS–10532 (OMB control number: 0938—New); *Frequency:* Once; *Affected Public:* Private Sector, Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 400; *Total Annual Responses:* 400; *Total Annual Hours:* 400. (For policy questions regarding this collection contact Jaya Ghildiyal at (301) 492–5149).

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Application to Be a Qualified Entity to Receive Medicare Data for Performance Measurement; *Use:* Section 10332 of the Patient Protection and Affordable Care Act (ACA) requires the Secretary to make standardized extracts of Medicare claims data under Parts A, B, and D available to ''qualified entities'' for the evaluation of the performance of providers of services and suppliers. The statute provides the Secretary with discretion to establish criteria to determine whether an entity is qualified to use claims data to evaluate the performance of providers of services and suppliers. We are proposing at section 42 CFR 401.703 to evaluate an organization's eligibility across three areas: Organizational and governance capabilities, addition of claims data from other sources (as required in the statute), and data privacy and security. This is the application through which organizations will provide information to CMS to determine whether they will be approved as a qualified entity. *Form Number:* CMS–10394 (OMB control number: 0938–1144); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 35; *Total Annual Responses:* 35; *Total Annual Hours:* 6,833. (For policy questions regarding this collection contact Kari Gaare at 410–786–8612).

Dated: September 2, 2014.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–21180 Filed 9–4–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Office of Head Start (OHS) Information Collection Form.

OMB No.: New Collection.

Description: The Head Start Program Performance Standards (45 CFR parts 1304.22(a)(3) and 1306.35(a)(4)(b)(1)) mandate that Head Start programs develop emergency preparedness plans and conduct periodic drills to ensure they have protocols in place, supported by policies and procedures, to ensure they can evacuate Head Start centers in an orderly fashion in the event of a disaster or public health emergency. OHS must ensure that contingency plans are in place prior, during and after a nationally declared disaster; and, that Head Start programs have arrangements (memorandums of understanding) with other community based organizations for shelter in place at alternative locations. The Presidential Policy Directive–8 (PPD–8), which President Obama signed in 2011, provides Federal guidance and planning procedures under established phases—Protection, Preparedness, Response, Recovery, and Mitigation. The data collected in the Information Collection Form addresses the areas of Response and Recovery.

Respondents: Head Start and Early Head Start program grant recipients.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response (minutes)	Total burden hours (minutes)
OHS Information Collection Form	*1	1	30	30

*The estimate above is based on a single disaster. The estimate is for a Head Start program with 1 center when all questions are applicable, depending on the type of disaster all questions may not be applicable; therefore the burden hours may be shorter. For Head Start programs with more than 1 center the burden hours may be longer. The number of respondents may increase based on the size of the disaster area.

Estimated Total Annual Burden Hours: 30 Minutes.

An estimate of the number of disasters that would warrant data collection is unavailable due to unpredictable nature of disasters. For example, in 2012, there were 95 disasters nationwide but ACF's Office of Human Services Emergency Preparedness Response did not collect data on all of them because they had minimal effects on ACF programs.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to

comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–21137 Filed 9–4–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Neurobiology of Learning and Memory Study Section, October 02, 2014, 08:00 a.m. to October 03, 2014, 06:00 p.m., Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015 which was published in the **Federal Register** on August 29, 2014, 79 FR 51579.

The meeting will be held at the Embassy Suites Washington DC—Convention Center, 900 10th Street NW., Washington, DC 20001. The meeting date and time remain the same. The meeting is closed to the public.

Dated: August 29, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–21133 Filed 9–4–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: September 22, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3117, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Raymond R. Schleef, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–3679, *schleefrr@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: September 22–23, 2014.

Time: September 22, 2014 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3266, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Time: September 23, 2014 9:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3266, 6700B Rockledge Drive Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Maja Maric, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, DHHS/NIH/NIAID, 6700B Rockledge Drive, Room 3266, Bethesda, MD 20892–7616, (301) 451–2634, *maja.maric@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: August 29, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–21134 Filed 9–4–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group Community Influences on Health Behavior Study Section.

Date: September 29–30, 2014.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Arlington Capital View, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group Vascular Cell and Molecular Biology Study Section.

Date: September 29–30, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group Cancer Immunopathology and Immunotherapy Study Section.

Date: September 29–30, 2014.

Time: 9:15 a.m. to 11:59 a.m.

Agenda: To review and evaluate grant applications.

Place: The Embassy Row Hotel, 2015 Massachusetts Avenue NW., Washington, DC 20036.

Contact Person: Denise R. Shaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301–435–0198, *shawdeni@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR14–143: Behavioral and Social Measures for Dental, Oral and Craniofacial Research.

Date: September 30, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Arlington Capitol View, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group Biobehavioral Regulation, Learning and Ethology Study Section.

Date: October 2–3, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront Hotel, 71 E. Wacker Drive, Chicago, IL 60601.

Contact Person: Mark D. Lindner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, 301–435–0913, *lindnermd@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group Bioengineering of Neuroscience, Vision and Low Vision Technologies Study Section.

Date: October 2–3, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington, DC Downtown Hotel, 999 Ninth Street NW., Washington, DC 20001–4427.

Contact Person: Robert C. Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group International and Cooperative Projects—1 Study Section.

Date: October 2, 2014.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Hilary D. Sigmon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 594–6377, *sigmonh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR 12–053: Advanced Neural Prosthetics.

Date: October 3, 2014.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington, DC Downtown Hotel, 999 Ninth Street NW., Washington, DC 20001–4427.

Contact Person: Robert C. Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR 13–137: Neurotechnology and Low Vision Technology Bioengineering Research Grants.

Date: October 3, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington, DC Downtown Hotel, 999 Ninth Street, NW., Washington, DC 20001–4427.

Contact Person: Robert C Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: August 29, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–21132 Filed 9–4–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; MR Technology Review (2015/01).

Date: October 22–24, 2014.

Time: 6:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wild Palms Hotel, 910 East Fremont Avenue, Sunnyvale, CA 94087.

Contact Person: Ruth Grossman, DDS, Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 960, Bethesda, MD 20892, 301–496–8775, *grossmanrs@mail.nih.gov.*

Dated: August 29, 2014,

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–21135 Filed 9–4–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Establishing Outcome Measures for Clinical Studies of Oral and Craniofacial Diseases and Conditions (R01 & R21) Applications Review Panel.

Date: September 26, 2014.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@nidcr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS).

Dated: August 29, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–21131 Filed 9–4–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 29, 2013. This notice modifies a notice previously published on July 9, 2014 in the **Federal Register** (79 FR 38942) by including one additional laboratory method in the list of accredited methods, specifically ASTM D 3606.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on August 29, 2013. The next triennial inspection date will be scheduled for August 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 481–A East Shore Parkway, New Haven, CT 06512, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

This notice modifies a notice previously published on July 9, 2014 in the **Federal Register** (79 FR 38942) by including one additional laboratory method in the list of accredited methods, specifically ASTM D 3606. Intertek USA, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–04	ASTM D 95 ...	Standard test method for water in petroleum products and bituminous materials by distillation.
27–06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	ASTM D 86 ...	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–14	ASTM D 2622	Standard Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Methods).
27–48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	ASTM D 93 ...	Standard test methods for flash point by Pensky-Martens Closed Cup Tester.
27–54	ASTM D 1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–57	ASTM D 7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27–58	ASTM D 5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).
N/A	ASTM D 1319	Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.
N/A	ASTM D 4815	Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C1 to C4 Alcohols in Gasoline by Gas Chromatography.
N/A	ASTM D 5453	Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence.
N/A	ASTM D 7042	Standard Test Method for Dynamic Viscosity and Density of Liquids by Stabinger Viscometer (and the Calculation of Kinematic Viscosity).
N/A	ASTM D 5599	Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection.
N/A	ASTM D 3606	Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.*

Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf.

Dated: August 28, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–21214 Filed 9–4–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–36]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and

surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; *Air Force:* Ms. Connie Lotfi, Air Force Real Property Agency, 143 Billy Mitchell Blvd., San Antonio, TX 78226, (210) 925–3047; *COE:* Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; *Energy:* Mr. David Steinau, Department of Energy, Office of Property Management, 1000 Independence Ave. SW., Washington, DC 20585 (202) 287–1503; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; *Interior:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 3960 N. 56th Ave. #104, Hollywood, FL 33021; (443) 223–4639; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426 (These are not toll-free number).

Dated: August 28, 2014.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 09/05/2014

Suitable/Available Properties

Building

Arkansas

Blue Mountain House #1
10152 Outlet Park Rd.
Havana AR 72842
Landholding Agency: COE
Property Number: 31201430009
Status: Unutilized
Comments: off-site removal only; no future agency need; difficult to relocate due to structure type; 1,850 sq. ft.; storage; poor condition; contact COE for more information.

Blue Mountain House #1
10152 Outlet Park Rd.
Havana AR 72842
Landholding Agency: COE
Property Number: 31201430010
Status: Unutilized
Comments: off-site removal only; no future agency need; difficult to relocate due to structure type; 1,752 sq. ft.; poor condition; contact COE for more information.

Tract 12–113—Hebert Bernard House
102 Groinger Dr.
Hot Springs AR 71901
Landholding Agency: Interior
Property Number: 61201410004
Status: Excess
Comments: off-site removal only; 1,269 sq. ft.; residential; severe deterioration; structurally unsound; contact Interior for more info.

Colorado

Turley House
Reclamation
Grand Junction CO 81503
Landholding Agency: Interior
Property Number: 61201420004
Status: Unutilized
Directions: House; Garage/Carport; Shop/Shed
Comments: off-site removal only; no future service need; 3,603 total sq. ft.; structural deficiencies; contact interior for more information.

Michigan

Bergland Middle Building

Bergland Cultural Center Site
Bergland MI 49910
Landholding Agency: Agriculture
Property Number: 15201430017
Status: Unutilized
Comments: 1,025 sq. ft., storage; 120+ months vacant; deteriorating; building on National Register Site; contact Agriculture for more information.

Ontonagon Ranger House
1205 Rockland Road
Ontonagon MI 49953
Landholding Agency: Agriculture
Property Number: 15201430018
Status: Unutilized
Comments: 1,570 sq. ft., residential; 96+ months vacant; poor conditions; contact Agriculture for more information.

Montana

0296004600B
CANFER Townsend Shop
Townsend MT 59644
Landholding Agency: Interior
Property Number: 61201410008
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,200 sq. ft.; 200+ months vacant; storage; contact Interior for more info.

Oregon

North Unit ID/Duplex 3 (504)
Apt. 1 & 2 R0112000600B
616 NW Lindberg
Madras OR 97741
Landholding Agency: Interior
Property Number: 61201420005
Status: Unutilized
Comments: off-site removal only; no future agency need; 2,000 sq. ft.; 6+ months vacant; poor conditions; contact Interior for more info.

Tennessee

Nashville IAP, Fac. 808
240 Knapp Blvd.
Nashville TN 37217
Landholding Agency: Air Force
Property Number: 18201430036
Status: Underutilized
Comments: off-site removal only; removal may be difficult due to structure type/size no future agency need; 3,016 sq.; warehouse; moderate to poor conditions; secured area; contact AF for more information.

Nashville IAP, Fac. 809
240 Knapp Blvd.
Nashville TN 37217
Landholding Agency: Air Force
Property Number: 18201430037
Status: Underutilized
Comments: off-site removal only; no future agency need; removal may be difficult; 3,016 sq. ft.; warehouse; moderate conditions; secured area; contact Air Force for more information.

Unsuitable Properties

Building

Alabama

420
5401 East Lake Blvd.
Birmingham AL 35217
Landholding Agency: Air Force
Property Number: 18201430038
Status: Unutilized
Directions: 420
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

Alaska

Yakutat Airport
Storage Building
Yakutat AK 99689
Landholding Agency: GSA
Property Number: 54201430009
Status: Excess
GSA Number: 9–CA–AK–00011–S
Directions: Disposal Agency: GSA; Landholding Agency: Commerce
Comments: property located within an airport runway clear zone.
Reasons: Within airport runway clear zone

California

Trailer 2777
7000 East Ave.
Livermore CA 94550
Landholding Agency: Energy
Property Number: 41201430002
Status: Underutilized
Comments: public access denied & no alternative without compromising National Security.
Reasons: Secured Area

Building 251
7000 East Ave.
Livermore CA 94550
Landholding Agency: Energy
Property Number: 41201430003
Status: Underutilized
Comments: public access denied & no alternative without compromising national security.
Reasons: Secured Area

Building 22187
MCB Camp Pendleton
Camp Pendleton CA
Landholding Agency: Navy
Property Number: 77201430010
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 16074
Marine Corps Base Camp Pendleton
Camp Pendleton CA
Landholding Agency: Navy
Property Number: 77201430011
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 200071
Marine Corps Base Camp Pendleton
San Diego CA
Landholding Agency: Navy
Property Number: 77201430012
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Illinois

Petroleum Operations Lab
Abraham Lincoln Capital Airport
Springfield IL 62707
Landholding Agency: Air Force
Property Number: 18201430044
Status: Unutilized
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

Maryland

3216
Annapolis Street
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201430034
Status: Excess
Directions: 3216
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

3215
Annapolis Street
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201430043
Status: Excess
Directions: 3215
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

3213
Annapolis Street
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201430051
Status: Excess
Directions: 3213
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

New Jersey

Building 261, Water Supply Building
400 Langley Road
Egg Harbor NJ 08234
Landholding Agency: Air Force
Property Number: 18201430047
Status: Unutilized
Comments: public access denied & no alternative without compromising national security.
Reasons: Secured Area

Building 137
400 Langley Road
EGG Harbor NJ 08234
Landholding Agency: Air Force
Property Number: 18201430048
Status: Unutilized
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

New York

Bldg. 325
NWIRP Calverton
Calverton NY 11933
Landholding Agency: Navy
Property Number: 77201430013

Status: Excess
Comments: documented deficiencies: exterior walls cracking; concrete foundation crumbling; structural damage; clear threat to personal physical safety.
Reasons: Extensive deterioration

South Carolina

16464
165 Bates Street
Joint Base Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18201430040
Status: Unutilized
Comments: public access denied & no alternative without compromising National Security.
Reasons: Secured Area

165
165 Bates Avenue
Joint Base Charleston SC 29402
Landholding Agency: Air Force
Property Number: 18201430041
Status: Unutilized
Comments: public access denied & no alternative without compromising National Security.
Reasons: Secured Area

1994
110 Lawson Drive
Joint Base Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18201430042
Status: Underutilized
Comments: public access denied & no alternative without compromising National Security.
Reasons: Secured Area

Texas

932
Lackland AFB
San Antonio TX 78236
Landholding Agency: Air Force
Property Number: 18201430049
Status: Unutilized
Directions: 932
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

West Virginia

Facility #115, Troop Camp
222 Sabre Jet Blvd.
Martinsburg WV 25405
Landholding Agency: Air Force
Property Number: 18201430039
Status: Excess
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

Facility #122, Res Forces Opl Training
222 Sabre Jet Blvd.
Martinsburg WV 25405
Landholding Agency: Air Force
Property Number: 18201430045
Status: Excess
Comments: public access denied & no alternative without compromising National Security.
Reasons: Secured Area

Facility #103, BE Grand Fclty.
222 Sabre Jet Blvd.
Martinsburg WV 25405
Landholding Agency: Air Force
Property Number: 18201430046
Status: Excess
Comments: public access denied & no alternative without compromising National Security.
Reasons: Secured Area

Fac. #133,Shed Sup & Equip Base
222 Sabre Jet Blvd.
Martinsburg WV 25405
Landholding Agency: Air Force
Property Number: 18201430050
Status: Excess
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

[FR Doc. 2014–20967 Filed 9–4–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK6006201 134A2100DD AOR3B30.999900]

Final Environmental Impact Statement for the Proposed Fee-to-Trust Transfer of Property and Subsequent Development of a Resort/Hotel and Ancillary Facilities in the City of Taunton, MA and Tribal Government Facilities in the Town of Mashpee, MA by the Mashpee Wampanoag Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the Mashpee Wampanoag Tribe (Tribe) and the U.S. Army Corps of Engineers serving as cooperating agencies, is making available for public review the Final Environmental Impact Statement (FEIS) regarding the Tribe's application for the conveyance into trust of 170 acres ± located in Mashpee, Massachusetts, and 151 acres ± located in Taunton, Massachusetts, for the benefit of the Tribe.

DATES: The Record of Decision on the proposed action will be issued on or after 30 days from the date the Environmental Protection Agency (EPA) publishes its Notice of Availability in the **Federal Register**. Any comments on the FEIS must arrive on or before 30 days following the date the EPA publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: You may mail, hand carry or telefax written comments to Mr. Chet L. McGhee, Regional Environmental Protection Specialist, Bureau of Indian Affairs, Eastern Regional Office, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214; Telefax (615) 564–6571. Please see the **SUPPLEMENTARY INFORMATION** section of this notice for directions for submitting comments and locations where copies of the FEIS are available.

FOR FURTHER INFORMATION CONTACT: Mr. Chet L. McGhee at (615) 564–6500.

SUPPLEMENTARY INFORMATION: The federal actions under consideration consist of:

(1) The acquisition in trust of 170 acres ± in Mashpee, Massachusetts, and 151 acres ± in Taunton, Massachusetts, in accordance with section 5 of the Indian Reorganization Act (IRA), 25 USC 465, and the procedures set forth in 25 CFR part 151; and

(2) The issuance of a reservation proclamation in accordance with section 7 of the IRA, 25 U.S.C. 467.

The Tribe proposes to construct a resort/hotel and gaming facility within the project site in Taunton, Massachusetts, and to develop Tribal Government facilities located on the lands in Mashpee, Massachusetts.

At full build-out, the Tribe's proposed resort/hotel and gaming facility would have approximately 132,000 square feet of gaming floor. Access to the Taunton site would be via O'Connell Way, off of Stevens Street, near the intersection of Stevens Street and Route 140 in Taunton, Massachusetts. The following alternatives are considered in the FEIS:

(A) The development as proposed;

(B) Reduced Intensity I Alternative;

(C) Reduced Intensity II Alternative; and

(D) No Action Alternative.

Issues addressed in the FEIS include: transportation; wetlands and other waters of the United States; stormwater; geology and soils; rare species and wildlife habitat; hazardous materials; water supply; wastewater; utilities; solid waste; air quality; greenhouse gas; cultural resources; noise, visual impacts; socio-economics; environmental justice; cumulative effects, and indirect and growth inducing effects.

The resort/hotel alternative has been selected as the Tribe's Preferred Alternative as discussed in the FEIS. The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Tribe's Preferred Alternative, are intended to assist the Department of the Interior (Department) in its review of the issues presented in the Tribe's application. The Preferred Alternative does not necessarily reflect the Department's final decision because the Department must further evaluate all of the criteria listed in 25 CFR part 151.

In addition, the Department must further evaluate the criteria listed in 25 CFR part 292 in making a final determination that the Mashpee and Taunton sites may be considered the ''initial reservation'' of the Tribe pursuant to section 20(b)(1)(B)(ii) of IGRA. The Department's consideration and analysis of the applicable regulations may lead to a final decision that selects an alternative other than the Preferred Alternative, including no action, a variant of the Preferred Alternative, or another one of the alternatives analyzed in the FEIS.

The BIA has afforded other government agencies and the public extensive opportunity to participate in the preparation of this EIS. The BIA published a Notice of Intent (NOI) to prepare the EIS for the proposed action in the **Federal Register** on May 31, 2012 (77 FR 32132). The BIA held public scoping meetings on June 20, 2012, at Taunton High School in Taunton, Massachusetts, and on June 21, 2012, at Mashpee High School in Mashpee, Massachusetts. A Notice of Availability for the Draft EIS (DEIS) was published in the **Federal Register** on November 15, 2013 (78 FR 68860), and the EPA published its Notice in the **Federal Register** on November 22, 2013 (78 FR 70041). The BIA held public hearings on December 2, 2013, at Mashpee High School in Mashpee, Massachusetts, and on December 3, 2013, at Taunton High School in Taunton, Massachusetts. Comments on the DEIS received from the public and based on internal BIA review were considered and incorporated as appropriate into the FEIS.

Locations Where the FEIS is Available for Review: The FEIS will be available for review at the following locations during normal business hours:

- Taunton Public Library, 12 Pleasant Street, Taunton, Massachusetts 02780;
- Mashpee Public Library, 64 Steeple Street, Mashpee, Massachusetts 02649; and
- Mashpee Wampanoag Tribe Headquarters at 483 Great Neck Road—South, Mashpee, Massachusetts 02649.

The FEIS is also available online at: *http://www.mwteis.com.* To obtain a compact disc copy of the FEIS, please provide your name and address in writing or by voicemail to Mr. Chet L. McGhee, Regional Environmental Protection Specialist, Bureau of Indian Affairs, Eastern Regional Office. Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Individual paper copies of the FEIS will be provided only upon payment of applicable printing expenses by the requestor for the number of copies requested.

Public Comment Availability: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may request us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR 1500 et seq.) and the Department of the Interior Regulations (43 CFR part 46) implementing the procedural requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and the Department of Interior Manual (516 DM 1–6), and is in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 DM 8.1.

Dated: August 25, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–20669 Filed 9–4–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA 104000]

Outer Continental Shelf (OCS), Gulf of Mexico (GOM), Oil and Gas Lease Sales, Western Planning Area (WPA) Lease Sales 246 and 248

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Availability (NOA) and Announcement of Public Meetings and Comment Period for the Draft Supplemental Environmental Impact Statement (EIS) for Proposed GOM Oil and Gas WPA Lease Sales 246 and 248.

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*) (NEPA), BOEM has prepared a Draft Supplemental EIS for proposed WPA oil and gas Lease Sales 246 and 248 in the GOM (WPA 246/248 Draft Supplemental EIS). Proposed Lease Sales 246 and 248 are tentatively scheduled to be held in August 2015 and 2016, respectively, in the WPA offshore the States of Texas and Louisiana. The WPA 246/248 Draft Supplemental EIS updates the environmental and socioeconomic analyses in the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2012–2017; Western Planning Area Lease Sales 229, 233, 238, 246, and 248; Central Planning Area Lease Sales 227, 231, 235, 241, and 247, Final Environmental Impact Statement* (OCS EIS/EA BOEM 2012–019) (2012–2017 WPA/CPA Multisale EIS), *Gulf of Mexico OCS Oil and Gas Lease Sales: 2013–2014; Western Planning Area Lease Sale 233; Central Planning Area Lease Sale 231, Final Supplemental Environmental Impact Statement* (OCS EIS/EA BOEM 2013–0118) (WPA 233/CPA 231 Supplemental EIS), and *Gulf of Mexico OCS Oil and Gas Lease Sales: 2014–2016; Western Planning Area Lease Sales 238, 246, and 248, Final Supplemental Environmental Impact Statement* (OCS EIS/EA BOEM 2014–009) (WPA 238/246/248 Supplemental EIS).

FOR FURTHER INFORMATION CONTACT: For more information on the WPA 246/248 Draft Supplemental EIS, you may contact Mr. Gary D. Goeke, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Office of Environment (GM 623E), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394 or by email at *wpa246@boem.gov.* You may also contact Mr. Goeke by telephone at (504) 736–3233.

SUPPLEMENTARY INFORMATION: BOEM developed the WPA 246/248 Draft Supplemental EIS to consider new information made available since completion of the 2012–2017 WPA/CPA Multisale EIS, WPA 233/CPA 231 Supplemental EIS, and WPA 238/246/248 Supplemental EIS, and to consider new information related to the *Deepwater Horizon* explosion, oil spill, and response. The WPA 246/248 Draft Supplemental EIS provides updates on the baseline conditions and potential environmental effects of oil and natural gas leasing, exploration, development, and production in the WPA. BOEM conducted an extensive search for new information, reviewing scientific journals and available scientific data and information from academic institutions and Federal, State, and local agencies; and interviewing personnel from academic institutions and Federal, State, and local agencies. BOEM examined the potential impacts of routine activities and accidental events and the proposed lease sales' incremental contribution to the cumulative impacts on environmental and socioeconomic resources. The oil and gas resource estimates and scenario information for the WPA 246/248 Draft Supplemental EIS are presented as a range that would encompass the

resources and activities estimated for a proposed WPA lease sale.

Draft Supplemental EIS Availability: You may download or view the WPA 246/248 Draft Supplemental EIS on BOEM's Web site at *http://www.boem.gov/nepaprocess/.* In keeping with the Department of the Interior's mission to protect natural resources and to limit costs, while ensuring availability of the document to the public, BOEM will primarily distribute digital copies of the WPA 246/248 Draft Supplemental EIS on compact discs. BOEM has printed and will be distributing a limited number of paper copies. If you require a paper copy, BOEM will provide one upon request if copies are still available. You may obtain a copy of the WPA 246/248 Draft Supplemental EIS from the Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Public Information Office (GM 335A), 1201 Elmwood Park Boulevard, Room 250, New Orleans, Louisiana 70123–2394 (1–800–200–GULF).

Several libraries along the Gulf Coast have been sent copies of the WPA 246/248 Draft Supplemental EIS. To find out which libraries have copies of the WPA 246/248 Draft Supplemental EIS for review, you may contact BOEM's Public Information Office or visit BOEM's Internet Web site at *http://www.boem.gov/nepaprocess/*.

Comments: All interested parties, including Federal, State, Tribal, and local governments, and other organizations and members of the public, may submit written comments on the WPA 246/248 Draft Supplemental EIS in one of the following ways:

1. In an envelope labeled ''Comments on the WPA 246 and 248 Draft Supplemental EIS'' and mailed (or hand carried) to Mr. Gary D. Goeke, Chief, Environmental Assessment Section, Office of Environment (GM 623E), Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394;

2. Through the regulations.gov web portal: Navigate to *http://www.regulations.gov* and search for ''Oil and Gas Lease Sales: Gulf of Mexico, Outer Continental Shelf; Western Planning Area Lease Sales 246 and 248'' (Note: It is important to include the quotation marks in your search terms.) Click on the ''Comment Now!'' button to the right of the document link. Enter your information and comment, then click ''Submit''; or

3. Through BOEM's email address: *wpa246@boem.gov.*

Comments should be submitted no later than 45 days from the publication of this NOA. Pursuant to the regulations implementing the procedural provisions of NEPA, BOEM will hold public meetings in Texas and Louisiana to solicit comments on the WPA 246/248 Draft Supplemental EIS. These meetings are scheduled as follows:

- *Houston, Texas:* Tuesday, September 23, 2014, Houston Airport Marriott at George Bush Intercontinental, 18700 John F. Kennedy Boulevard, Houston, Texas 77032, one meeting beginning at 1:00 p.m. CDT; and,
- *New Orleans, Louisiana:* Thursday, September 25, 2014, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, one meeting beginning at 1:00 p.m. CDT.

Public Disclosure of Names and Addresses

As BOEM does not consider anonymous comments, please include your name and address as part of your submittal. BOEM makes all comments, including the names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that BOEM withhold their names and/or addresses from the public record; however, BOEM cannot guarantee that we will be able to do so. If you wish your name and/or address to be withheld, you must state your preference prominently at the beginning of your comment. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Authority: This NOA is published pursuant to the regulations (40 CFR 1503) implementing the provisions of NEPA.

Dated: August 1, 2014.

L. Renee Orr,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–21008 Filed 9–4–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02015200, 14XR0687NA, RX185279076000000]

Notice of Availability of the Upper San Joaquin River Basin Storage Investigation Draft Environmental Impact Statement, Madera and Fresno Counties, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation has made available for public review and comment, the Upper San Joaquin River Basin Storage Investigation Draft Environmental Impact Statement (EIS). The Draft EIS describes the potential environmental effects of the No-Action Alternative and five action alternatives for a multiple purpose dam and reservoir to increase water storage for agricultural, municipal, and environmental uses, and improve regional water management flexibility.

DATES: Send written comments on the Draft EIS on or before October 21, 2014.

Two hearings will be held on the following dates:

1. Tuesday, October 14, 2014, 1 p.m. to 3 p.m., Sacramento, CA.

2. Thursday, October 16, 2014, 6 p.m. to 8 p.m., Fresno, CA.

ADDRESSES: Send written comments or requests for copies to Ms. Melissa Harris, Project Manager, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825, or via email to *sha-mpr-usjrbsi@usbr.gov.* The Draft EIS is also accessible from the following Web site: *http://www.usbr.gov/mp/sccao/storage/index.html.*

The hearing locations are:

1. Sacramento—Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825.

2. Fresno—Piccadilly Inn, 2305 West Shaw Avenue, Fresno, California 93711.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Harris, Project Manager, 916–978–5075; or by email at *sha-mpr-usjrbsi@usbr.gov.*

SUPPLEMENTARY INFORMATION: The Draft EIS documents the potential direct, indirect, and cumulative physical, biological, and socioeconomic environment effects that may result from the development of a new storage reservoir.

The Draft EIS evaluates construction and operation of storage (1.26 million acre-feet) and single or selective level intake structures. The primary project

objectives are to: (1) Increase water supply reliability and system operational flexibility for agricultural, municipal and industrial (M&I), and environmental purposes in the Friant Division, other San Joaquin Valley areas, and other regions; and (2) enhance water temperature and flow conditions in the San Joaquin River downstream from Friant Dam for salmon and other fish. The secondary objectives are to: (1) Reduce flood damages downstream from Friant Dam; (2) maintain the value of hydropower attributes; (3) maintain and increase recreational opportunities in the primary study area; (4) improve San Joaquin River water quality downstream of Friant Dam; and (5) improve the quality of water supplies delivered to urban areas.

The primary study area encompasses the San Joaquin River upstream from Friant Dam (about 20 miles northeast of Fresno) to Kerckhoff Dam, including Millerton Lake and the area that would be inundated by the proposed reservoir; and areas that could be directly affected by construction-related activities, including the footprint of proposed temporary and permanent facilities upstream of Friant Dam. The Extended Study Area includes the San Joaquin River downstream from Friant Dam, including the Delta; lands served by San Joaquin River water rights; the Central Valley Project (CVP); and south-of-Delta water service areas of the CVP and State Water Project, Sacramento River watershed, the Delta, and the Central Valley Project and State Water Project service areas.

Authority

Reclamation was authorized in Public Law 108–7 (Omnibus Appropriations Act of 2003) to conduct a feasibility-level investigation. Subsequent authorization and funding was provided in Public Law 108–361 (Bay-Delta Authorization Act of 2004).

Public Review of Draft EIS

Copies of the Draft EIS are available for public review at the following locations:

1. Bureau of Reclamation, Mid-Pacific Region, Regional Library, 2800 Cottage Way, Sacramento, CA 95825.

2. Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225.

3. Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001.

Special Assistance for Public Hearings

If special assistance is required at the public hearings, please contact Mr. Steve Geissinger, Bureau of Reclamation, Public Affairs Office, at *sgeissinger@usbr.gov.* Please notify Mr. Geissinger as far in advance as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available at 916–978–5608.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 20, 2014.

Pablo R. Arroyave,

Deputy Regional Director, Mid-Pacific Region.

[FR Doc. 2014–21025 Filed 9–4–14; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–499–500 and 731–TA–1215–1217 and 1219–1223 (Final)]

Certain Oil Country Tubular Goods From India, Korea, the Philippines, Taiwan, Thailand, Turkey, Ukraine, and Vietnam

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to sections 705(b) and 735(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) and (19 U.S.C. 1673d(b)) (''the Act''), that an industry in the United States is materially injured by reason of imports of certain oil country tubular goods from India, Korea, Turkey, Ukraine, and Vietnam, provided for in subheadings 7304.29, 7305.20, and 7306.29 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the governments of India and Turkey.[2] The Commission also determines, pursuant to section 735(b) of the Act, that an industry in the United States is threatened with material injury by reason of imports of certain oil country tubular goods from Taiwan that have been found by Commerce to be sold in the United States at LTFV.[3]

The Commission further determines that imports of these products from the Philippines and Thailand are negligible pursuant to section 771(24) of the Act (19 U.S.C. 1677(24)), and its investigations with regard to these countries are thereby terminated pursuant to section 735(b) of the Act.

Background

The Commission instituted these investigations effective July 2, 2013, following receipt of a petition filed with the Commission and Commerce by United States Steel Corporation, Pittsburgh, PA; Maverick Tube Corporation, Houston, TX; Boomerang Tube LLC, Chesterfield, MO; Energex, a division of JMC Steel Group, Chicago, IL; Northwest Pipe Company, Vancouver, WA; Tejas Tubular Products Inc., Houston, TX; TMK IPSCO, Houston, TX; Vallourec Star, L.P., Houston, TX; and Welded Tube USA, Inc., Lackawanna, NY. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce regarding the subsidization of imports of certain oil country tubular goods from India and Turkey within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sales at less than fair value of imports of certain oil country tubular goods from India, Korea, the Philippines, Taiwan, Thailand, Turkey, Ukraine, and Vietnam within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] All five participating Commissioners voted in the affirmative (Commissioner F. Scott Kieff did not participate in these investigations). The Commission also finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the countervailing duty orders on certain oil country tubular goods from India or Turkey. The Commission further finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the antidumping duty orders on certain oil country tubular goods from Turkey or Vietnam.

[3] Chairman Meredith M. Broadbent dissenting with regard to imports from Taiwan, determining that subject imports from Taiwan are negligible.

Commission, Washington, DC, and by publishing the notice in the **Federal Register** on April 7, 2014 (79 FR 19122). The hearing was held in Washington, DC, on July 15, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determinations in these investigations on September 2, 2014. The views of the Commission are contained in USITC Publication 4489 (September 2014), entitled *Certain Oil Country Tubular Goods from India, Korea, Philippines, Taiwan, Thailand, Turkey, Ukraine, and Vietnam (Investigation Nos. 701–TA–499–500 and 731–TA–1215–1217 and 1219–1223: (Final)).*

By order of the Commission.

Issued: September 2, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–21174 Filed 9–4–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act

On August 28, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of New Mexico in the lawsuit entitled *United States and State of New Mexico* v. *Chevron Mining Inc.,* Civil Action No. 14cv783 KBM–SCY.

The plaintiffs seek compensation for damage to natural resources in and about the former Molycorp Mining Site. The Site includes a molybdenum mine and mill, tailings ponds, and a slurry pipeline—all located near Questa, New Mexico. The plaintiffs allege that defendant is liable for injury to natural resources resulting from releases of hazardous substances at that Site. Under the Consent Decree that embodies the settlement proposed here, defendant will transfer certain property that will mitigate some of injury suffered and will pay the federal and state natural resource trustees about $4 million to be used to restore, replace, or acquire resources—all in compliance with the terms of the Consent Decree and other applicable law. Defendant also will pay specified past assessment costs incurred by the trustees. In return, defendant will receive from plaintiffs specified covenants not to sue for natural resource damages resulting from releases from the Site, subject to reservations specified in the proposed Decree.

The publication of this notice opens a period for public comment on the proposed Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of New Mexico* v. *Chevron Mining Inc.,* D.J. Ref. No. 90–11–2–07579. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $15.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–21104 Filed 9–4–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1673]

Meeting of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of Meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has scheduled a meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

DATES AND LOCATION: The meeting will take place on Monday, October 20, 2014, from 8:30 a.m. to 5:30 p.m. (ET) and Tuesday, October 21st 2014, from 8 a.m. to 1 p.m. (ET). It will be held at the Office of Justice Programs at 810 7th Street NW. in the Main 3rd Floor Conference Room, in Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kathi Grasso, Designated Federal Official, OJJDP, *Kathi.Grasso@usdoj.gov,* or (202) 616–7567. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: Reviewing Federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to state perspectives on the operation of OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *www.facjj.org.*

Meeting Agenda: The proposed agenda will include: (1) Introductions/Welcome New Members; (2) Remarks from and FACJJ discussion with Robert Listenbee, OJJDP Administrator; (3) Subcommittee Meetings with Reports to Full Committee; (4) Webinar Login Discussion; (5) General FACJJ Business; (6) Next Steps. Note: Subcommittee working meetings, anticipated to take place on Monday, October 20th, in the afternoon, will not be open to the public.

Registration: To attend as an observer, members of the public must pre-register online. Interested persons must link to the web registration through *www.facjj.org* no later than Wednesday, October 15, 2014. Should problems arise with web registration, please contact Daryel Dunston at (240) 432–3014. Please include name, title, organization or other affiliation, full address and phone, fax, and email information and send to his attention either by fax to 866–854–6619, or by email to *ddunston@aeioonline.com.* Note that these are not toll-free telephone numbers. Also, photo identification will be required for admission to the meeting. Additional identification documents may be required. Meeting space is limited.

Written Comments: Interested parties may submit written comments in advance to Kathi Grasso, Designated Federal Official, by email message to *Kathi.Grasso@usdoj.gov,* no later than Wednesday, October 15th, 2014. Alternatively, fax your comments to 202–307–2819 and contact Joyce Mosso Stokes at 202–305–4445 to ensure that they are received. [These are not toll-free numbers.]

Robert L. Listenbee,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2014–21197 Filed 9–4–14; 8:45 am]

BILLING CODE 4410–18–P

MERIT SYSTEMS PROTECTION BOARD

Special Panel; Oral Argument; Reynaldo Alvara v. Department of Homeland Security

AGENCY: Merit Systems Protection Board and Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the oral argument in the case of *Reynaldo Alvara* v. *Department of Homeland Security* (MSPB Docket No. DA–0752–10–0223–E–1 and EEOC Petition No. 0320110053) before the Special Panel comprised of Dennis P. Walsh, Chairman, Special Panel; Anne M. Wagner, Vice Chairman, Merit Systems Protection Board; and Chai R. Feldblum, Commissioner, Equal Employment Opportunity Commission. See 5 U.S.C. 7702(d) and 5 CFR 1201.171.

DATES: Monday, September 8, 2014, at 2 p.m.

ADDRESSES: Margaret A. Browning Hearing Room at the National Labor Relations Board headquarters, 1099 14th Street NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; phone: 202–653–7200; fax: 202–653–7130; email: *mspb@mspb.gov.*

SUPPLEMENTARY INFORMATION: This is an open meeting of the Special Panel. The public may attend this oral argument for the sole purpose of observation. To facilitate entry to the National Labor Relations Board headquarters, persons who wish to attend should arrive 30 minutes prior to the start of the proceeding and must have photo identification for security screening. Persons with disabilities who require reasonable accommodation should direct the request to the MSPB Director of Equal Employment Opportunity at 202–254–4405 or V/TDD 1–800–877–8339 (Federal Relay Service). All such requests should be as soon as possible prior to September 8. A recording and transcript of the oral argument will be made available on MSPB's Web site.

William D. Spencer,

Clerk of the Board.

[FR Doc. 2014–21237 Filed 9–3–14; 4:15 pm]

BILLING CODE 7400–01–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Appointment of Members of Senior Executive Service Performance Review Board

AGENCY: Office of National Drug Control Policy.

ACTION: Notice of Appointments.

SUMMARY: The following persons have been appointed to the ONDCP Senior Executive Service Performance Review Board: Dr. Terry Zobeck (as Chair), Mr. Gerard Burns, Ms. Michele Marx, and Mr. Jeffrey Teitz.

FOR FURTHER INFORMATION CONTACT: Please direct any questions to Michael Passante, Deputy General Counsel (202) 395–6700, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503.

Dated: August 28, 2014.

Michael Passante,

Deputy General Counsel.

[FR Doc. 2014–21121 Filed 9–4–14; 8:45 am]

BILLING CODE 3180–W1–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–341; ASLBP No. 14–933–01–LR–BD01]

DTE Electric Company; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, *see* 37 FR 28710 (1972), and the Commission's regulations, *see, e.g.,* 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

DTE Electric Company (Fermi Nuclear Power Plant, Unit 2)

This proceeding involves an application by DTE Electric Company to renew for twenty years its operating license for Fermi Nuclear Power Plant, Unit 2, located near Frenchtown Township, Michigan. The current operating license for Fermi Nuclear Power Plant, Unit 2, expires on March 20, 2025. In response to a notice published in the **Federal Register**, *see* 79 FR 34787 (June 18, 2014), requests for hearings have been filed on behalf of the following entities: Citizens' Resistance at Fermi 2 (CRAFT); Don't Waste Michigan; Citizens Environment Alliance of Southwestern Ontario; and Beyond Nuclear.

The Board is comprised of the following administrative judges:

Ronald M. Spritzer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Paul B. Abramson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Nicholas G. Trikouros, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. *See* 10 CFR 2.302.

Issued at Rockville, Maryland, this 28th day of August 2014.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2014–21212 Filed 9–4–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NCR–2013–0181]

Georgia Agreement State Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Discontinuance of the probation period for the Georgia Agreement State Program.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is announcing the discontinuation of the probation period for the Georgia Agreement State Program (Georgia Program).

DATES: The discontinuation of the probation period is effective on August 25, 2014.

ADDRESSES: Please refer to Docket ID NRC–2013–0181 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0181. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michelle Beardsley, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Region I, King of Prussia, PA, telephone: 610–337–6942, email: *Michelle.Beardsley@nrc.gov*.

SUPPLEMENTARY INFORMATION: Section 274b. of the Atomic Energy Act of 1954, as amended (AEA), provides the statutory basis by which the NRC relinquishes, by agreement with a State, portions of its regulatory authority to license and regulate byproduct materials, source materials, and quantities of special nuclear materials under critical mass, when the NRC determines that the State has an adequate radiation control program to protect public health and safety, which is compatible with the NRC's program. Through the Agreement State program, 37 States have signed formal agreements with the NRC.

Section 274j of the AEA requires that the NRC periodically review each Agreement State to ensure each State's regulatory program is adequate to protect public health and safety and compatible with the NRC's regulatory program. The NRC reviews Agreement State radiation control programs, using performance indicators, to ensure that public health and safety is being adequately protected. The periodic review process for Agreement State programs is called the Integrated Materials Performance Evaluation Program (IMPEP).

A Management Review Board (MRB) composed of senior NRC managers (with an Agreement State liaison attending) makes the final determination of adequacy for each Agreement State. The MRB holds a public meeting and makes the overall assessment of the Agreement State program. The MRB considers information such as the proposed final IMPEP report, which presents suggested performance indicator ratings and recommendations prepared by the IMPEP review team, the State response to the IMPEP report and information provided by the State during the MRB meeting. For most IMPEP reviews, no action other than issuance of the final IMPEP report is required. For those infrequent reviews where additional action is warranted, the MRB may consider Monitoring, Heightened Oversight, and recommendations for Probation, Suspension, or Termination. The most significant actions, Probation, Suspension, or Termination, require Commission approval.

In 2008, the MRB placed the Georgia Program under a condition of monitoring due to the results of the 2008 IMPEP review of the Georgia Program. The Commission placed the Georgia Program on probation based on the 2012 IMPEP review, which showed an overall programmatic decline in performance. The NRC issued a notice regarding the probation status of the Georgia Program in the **Federal Register** on August 9, 2013 (78 FR 48726).

After the most recent IMPEP review in 2014 (ADAMS Accession No. ML14121A618), the MRB found the overall Georgia Program adequate to protect public health and safety, and compatible with the NRC program requirements, but that it needs improvement. The MRB found that the Georgia Program performance improved overall since the 2012 review and closed several recommendations from the 2012 report. As a result of the State's improvement, the MRB recommended to the Commission that the Georgia Program be placed on Heightened Oversight and removed from Probation. The Commission agreed that the Georgia Program should be removed from Probation. The NRC has issued a notification of discontinuance of the Probation period to the Governor of Georgia, the Georgia Congressional delegation, and all other Agreement and Non-Agreement States.

Dated at Rockville, Maryland, this 29th day of August 2014.

For the Nuclear Regulatory Commission.

Raymond K. Lorson,

Acting Deputy Director, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2014–21192 Filed 9–4–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0211]

Specific Environmental Guidance for Light Water Small Modular Reactor Reviews

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim staff guidance; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff is issuing its final Interim Staff Guidance (ISG) Combined License and Early Site Permit (COL/ESP) No. 027 (COL/ESP–ISG–027), ''Specific Environmental Guidance for Light Water Small Modular Reactor Reviews.'' The purpose of this ISG is to clarify the NRC guidance and application of NUREG–1555, ''Standard Review Plans for Environmental Reviews for Nuclear Power Plants: Environmental Standard Review Plan,'' with respect to environmental reviews for applications for licenses to construct and operate light water small modular reactors (SMRs). This guidance applies to environmental reviews associated with light water SMR applications for limited work authorizations, construction permits, operating licenses, early site permits (ESPs), and combined licenses (COLs).

DATES: The effective date of this COL/ESP–ISG–027 is October 6, 2014.

ADDRESSES: Please refer to Docket ID NRC–2013–0211 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0211. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3442; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly

available documents online in the ADAMS Public Documents collection *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- The agency posts its issued staff guidance in the agency external Web page *http://www.nrc.gov/reading-rm/doc-collections/isg.*

FOR FURTHER INFORMATION CONTACT: Tanya Hood, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–1387 or email at *Tanya.Hood@nrc.gov.*

Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

ADAMS Accession No.	Document title
ML14100A648	Interim Staff Guidance-027, Specific Environmental Guidance for Light Water Small Modular Reactor Reviews—Clean Version.
ML13350A041	Interim Staff Guidance-027, Specific Environmental Guidance for Light Water Small Modular Reactor Reviews—Redline Version.
ML14049A011	Interim Staff Guidance 26–27 Comment Resolution Summary Table.
ML13347B127	Interim Staff Guidance 26–27 Comment Resolution Detailed Table.

The NRC staff issues COL/ESP–ISGs to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications for ESPs, design certifications, and COLs by the Office of New Reactors. The NRC staff intends to incorporate the final approved COL/ESP–ISG–027 into the next revision of the Environmental Standard Review Plan and related guidance documents.

The NRC posts all final ISGs on the NRC's public Web page at *http://www.nrc.gov/reading-rm/doc-collections/isg/,* which is where the public may easily obtain access to COL/ESP–ISG–027.

Backfitting and Issue Finality

Issuance of this ISG does not constitute backfitting as defined in § 50.109 of Title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule). Issuance of this ISG should not be regarded as backfitting under Commission and Executive Director for Operations guidance, and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC staff's position is based upon the following considerations.

1. The ISG positions do not constitute backfitting, inasmuch as the ESRP is internal guidance to NRC staff.

The ISG provides interim guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.

Applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit) and/or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in the ISG in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the ISG in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. NRC consideration of environmental impacts to address the requirements of the National Environmental Policy Act of 1969 (NEPA) are outside the scope of matters subject to backfitting protection, and are not a violation of issue finality provisions

The NRC consideration of environmental impacts to address the requirements of the National Environmental Policy Act of 1969 (NEPA), and an applicant's submission of environmental information needed to support the NRC's consideration of environmental impacts under NEPA, do not fall within the scope of matters which constitute backfitting. Consideration of environmental impacts to address NEPA compliance falls within the scope of matters protected under issue finality provisions of an ESP and a COL application referencing an ESP. However, this protection applies only after an ESP is issued, or if a COL application references an ESP. The staff does not intend to apply the guidance to already-issued ESPs or COL applications referencing an ESP. Therefore, issuance of this ISG does not constitute a violation or inconsistency of the issue finality provisions applicable to ESPs or COL applications referencing an ESP.

Congressional Review Act

This ISG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 25th day of August, 2014.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactor and Rulemaking, Office of New Reactors.

[FR Doc. 2014–21193 Filed 9–4–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397; NRC–2014–0194]

Energy Northwest; Columbia Generating Station

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. NPF–21, issued to Energy Northwest, for operation of the Columbia Generating Station. The proposed amendment would revise the technical specification surveillance requirement for the ultimate heat sink to clarify that spray pond level is the average of the level in both ponds.

DATES: Submit comments by October 6, 2014. Requests for a hearing or petition for leave to intervene must be filed by November 4, 2014.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0194. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Fred Lyon, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2296, email: *Fred.Lyon@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0194 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0194.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The amendment request is available in ADAMS under Accession No. ML14237A729.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0194 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License No. NPF–21, issued to Energy Northwest, for operation of the Columbia Generating Station, located in Benton County, Washington.

The proposed amendment would revise the technical specification (TS) surveillance requirement (SR) for the ultimate heat sink (UHS) to clarify that spray pond level is the average of the level in both ponds. The design of the ultimate heat sink is such that it is difficult to meet the current SR when only one standby service water (SW) pump is in operation without overflowing a spray pond resulting in a net loss of water inventory, which may challenge the ability of the UHS to provide sufficient inventory for 30 days. However, if the SR is not met, a plant shutdown is required.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed revision to SR 3.7.1.1 will clarify that spray pond level is the average of the level in both ponds. This amendment is requested to align the Surveillance Requirements with the design basis of the UHS spray ponds. The requested changes do not serve as initiators of any Columbia accident previously evaluated. The existing UHS analysis utilizes the total water inventory in both ponds. The analysis demonstrates compliance with the RG [Regulatory Guide] 1.27 [Revision 2, ADAMS Accession No. ML003739969] requirement for 30 days of inventory and is reflected in FSAR [final safety analysis report; not available in ADAMS] section 9.2.5. The accident probabilities are unaffected and the consequences remain unchanged.

Therefore there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously analyzed?

Response: No.

There are no postulated hazards, new or different, contained in this amendment. Analysis has determined that these changes are bounded by existing evaluations. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes revise the SR requirement for spray pond level. This change reflects the assumptions used in the UHS analysis and corrects an error introduced in a previous TS amendment. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated in the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final

determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated August 22, 2014.

Attorney for licensee: William A. Horin, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Acting Branch Chief: Eric R. Oesterle.

Dated at Rockville, Maryland, this 28th day of August 2014.

For the Nuclear Regulatory Commission.

Carl F. Lyon,

Project Manager, Plant Licensing Branch IV–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–21194 Filed 9–4–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on September 29–30, 2014, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect proprietary information pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Tuesday, September 29, 2014—1:00 p.m. Until 5:00 p.m. and Wednesday, September 30, 2014—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review selected Chapters of the Safety Evaluation Report associated with the PSEG early site permit application. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff and PSEG regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013 (78 FR 67205–67206).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: August 28, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–21191 Filed 9–4–14; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–42 and CP2014–75; Order No. 2174]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of First-Class Package Service Contract 37 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 8, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
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I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et se.,* the Postal Service filed a formal request and associated supporting information to add First-Class Package Service Contract 37 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–42 and CP2014–75 to consider the Request pertaining to the proposed First-Class Package Service Contract 37 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than September 8, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–42 and CP2014–75 to consider the matters raised in each docket.

[1] Request of the United States Postal Service to Add First-Class Package Service Contract 37 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, August 28, 2014 (Request).

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than September 8, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2014–21105 Filed 9–4–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective Date:* September 5, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add First-Class Package Service Contract 37 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2014–42, CP2014–75.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–21196 Filed 9–4–14; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* September 5, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 28, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express Contract 19 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2014–41, CP2014–74.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–21199 Filed 9–4–14; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72949; File No. SR–Phlx–2014–46]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 1, Relating to SPY and DIA Options

August 29, 2014.

I. Introduction

On July 9, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] a proposed rule change to allow $1 or greater strike price intervals for options on the SPDR® S&P 500® Exchange Traded Fund (''SPY'') and the SPDR® Dow Jones® Industrial Average Exchange Traded Fund (''DIA'') for strike prices above $200. On July 22, 2014, the Exchange filed Amendment No. 1 to the proposal. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on July 30, 2014.[4] The Commission received three comment letters on the proposal.[5] This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change

Under current Phlx Rule 1012 (Series of Options Open for Trading), the interval of strike prices of series of options on Exchange Traded Fund (''ETF'') Shares is $1 or greater where the strike price is $200 or less and $5 or greater where the strike price is more than $200.[6] The Exchange proposes to narrow those strike intervals by amending Commentary .05(a)(iv)(C) to Rule 1012 to allow trading of SPY and DIA options in $1 strike intervals where the strike price is above $200.

With regard to the impact of the proposal on system capacity, the Exchange states that it has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change.[7] In addition, the Exchange states that it believes that its members will not experience a capacity issue as a result of this proposal.[8] Furthermore, the Exchange states that it does not believe the proposed rule change will cause fragmentation of liquidity.[9]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[11] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that the proposed change may provide the investing public and other market participants more flexibility to closely tailor their investment and

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 72664 (July 24, 2014), 79 FR 44231 (''Notice'').

[5] *See* letters to Elizabeth M. Murphy, Secretary, Commission, from Joseph Burtnick, dated July 28, 2014; Michael, dated August 26, 2014; and Colin J. Gerrard, dated August 28, 2014. All three commenters supported the approval of the proposal because it would enhance market participation in SPY options.

[6] *See* Commentary .05(a)(iv)(A) to Rule 1012.

[7] *See* Notice, *supra* note 4, at 44232.

[8] *Id.*

[9] *Id.*

[10] In approving the proposed rule change, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b)(5).

hedging decisions in SPY and DIA options, thus allowing them to better manage their risk exposure.

In approving this proposal, the Commission notes that the Exchange has represented that it and OPRA have the necessary systems capacity to handle the potential additional traffic associated with this proposed rule change.[12] The Exchange further stated that it believes its members will not have a capacity issue as a result of the proposal and that it does not believe this expansion will cause fragmentation of liquidity.[13]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [14] that the proposed rule change (SR–Phlx–2014–46), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–21122 Filed 9–4–14; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 8860]

Culturally Significant Objects Imported for Exhibition Determinations: ''Atua: Sacred Gods From Polynesia''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Atua: Sacred Gods from Polynesia,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Saint Louis Art Museum, St. Louis, Missouri, from on or about October 12, 2014, until on or about January 4, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: August 28, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–21184 Filed 9–4–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8859]

Culturally Significant Objects Imported for Exhibition Determinations: ''Curious Beasts: Animal Prints From Dürer to Goya From The British Museum''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Curious Beasts: Animal Prints from Dürer to Goya from The British Museum,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the University of San Diego, University Galleries, San Diego, California, from on or about October 3, 2014, until on or about December 14, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: August 28, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–21183 Filed 9–4–14; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Updated Membership Criteria for the Trade and Environment Policy Advisory Committee

AGENCY: Office of the United States Trade Representative.

ACTION: Amendment of Membership Criteria.

SUMMARY: This notice amends the membership eligibility criteria for the Trade and Environment Policy Advisory Committee (TEPAC) pursuant to the Revised Guidance on the Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions, published by the Office of Management and Budget (OMB) on August 13, 2014. Federally-registered lobbyists no longer are prohibited from serving on the TEPAC in a representative capacity in light of OMB's recent policy clarification that the eligibility restriction does not apply to advisory committee members who are specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.), or state or local governments. The lobbyist prohibition continues to apply to persons serving on advisory committees in their individual capacity. All other eligibility criteria continue to apply.

DATES: These updated membership criteria are effective immediately.

FOR FURTHER INFORMATION CONTACT: Julia Friedman, Attorney-Advisor for the Office of the U.S. Trade Representative's Office of Intergovernmental Affairs and Public Engagement, at (202) 395–6120.

SUPPLEMENTARY INFORMATION:

Background

Section 135 of the Trade Act of 1974, as amended (19 U.S.C. 2155), established a trade advisory system to

[12] *See* Notice, *supra* note 4, at 44232.

[13] *Id.*

[14] 15 U.S.C. 78f(b)(2).

[15] 17 CFR 200.30–3(a)(12).

ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. Section 135(a)(1) directs the President to: Seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to:

(A) Negotiating objectives and bargaining positions before entering into a trade agreement under [title I of the Trade Act of 1974 and section 2103 of the Bipartisan Trade Promotion Authority Act of 2002];

(B) The operation of any trade agreement once entered into, including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) Other matters arising in connection with the development, implementation, and administration of the trade policy of the United States.

Section 135(c)(1) of the 1974 Trade Act provides that: [T]he President may establish individual general policy advisory committees for industry, labor, agriculture, services, investment, defense, and other interests, as appropriate, to provide general policy advice on matters referred to in [Section 135(a)]. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, service, investment, defense, and other interests, respectively, including small business interests, and shall be organized by the United States Trade Representative and the Secretaries of Commerce, Defense, Labor, Agriculture, the Treasury, or other executive departments, as appropriate. The members of such committees shall be appointed by the United States Trade Representative in consultation with such Secretaries.

Functions

The TEPAC was established through Executive Order No. 12905 of March 25, 1994, as amended and extended, to provide the United States Trade Representative with policy advice on issues involving trade and the environment. The TEPAC meets as needed at the call of the United States Trade Representative or his designee depending on various factors such as the level of activity of trade negotiations and the needs of the United States Trade Representative, or at the call of two-thirds of the TEPAC members.

Membership

Members serve without compensation and are responsible for all expenses incurred to attend the meetings. TEPAC members are appointed by the United States Trade Representative. Appointments are made at the chartering of the TEPAC and periodically throughout the two-year charter term, which ends on September 30, 2015, unless otherwise extended. Members serve at the discretion of the United States Trade Representative.

Members are selected to represent their sponsoring U.S. entity's interests on trade and the environment, and thus nominees are considered foremost based upon their ability to carry out the goals of section 135(c) of the Trade Act of 1974, as amended. Other criteria include the nominee's knowledge of and expertise in international trade issues as relevant to the work of the TEPAC. While all or almost all TEPAC members represent their sponsoring U.S. entities' interests, it is possible that the United States Trade Representative may appoint members to serve in an individual capacity as subject matter experts. Appointments to the TEPAC are made without regard to political affiliation with an interest in ensuring balance in terms of sectors, demographics, and other factors relevant to the TEPAC's needs.

Membership Criteria

To be appointed to the TEPAC, the following eligibility criteria must be met:

1. The applicant must be a U.S. citizen.

2. The applicant must not be a full-time employee of a U.S. governmental entity.

3. If serving in an individual capacity, the applicant must not be a federally-registered lobbyist.

4. The applicant must not be registered with the U.S. Department of Justice under the Foreign Agents Registration Act.

5. The applicant must be able to obtain and maintain a security clearance.

6. For representative members, who will comprise the overwhelming majority of the TEPAC, the applicant must represent a U.S. organization whose members (or funders) have a demonstrated interest in issues relevant to trade and the environment or have personal experience or expertise in trade and the environment.

For eligibility purposes, a ''U.S. organization'' is an organization established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, at least 50 percent of the organization's annual revenue must be attributable to nongovernmental U.S. sources.

7. For members who will serve in an individual capacity, the applicant must possess subject matter expertise regarding international trade and environmental issues.

Applicants who meet the eligibility criteria are considered for membership based on the following factors: Ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade and environmental matters; knowledge of and experience in trade and environmental matters relevant to the work of the TEPAC; and ensuring that the TEPAC is balanced in terms of points of view, demographics, geography, and entity or organization size.

Dated: August 29, 2014.

Jewel James,

Assistant U.S. Trade Representative, Intergovernmental Affairs and Public Engagement.

[FR Doc. 2014–21124 Filed 9–4–14; 8:45 am]

BILLING CODE 3290–F4–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Nominations Based on Updated Membership Criteria for the Intergovernmental Policy Advisory Committee on Trade

AGENCY: Office of the United States Trade Representative.

ACTION: Request for Nominations; Amendment of Membership Criteria.

SUMMARY: This notice amends the Intergovernmental Policy Advisory Committee on Trade (IGPAC)—Charter Reestablishment and Request for Nominations Notice of April 1, 2014 (79 FR 18382) to revise the membership eligibility criteria pursuant to the Revised Guidance on the Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions, published by the Office of Management and Budget (OMB) on August 13, 2014. Federally-registered lobbyists are no longer prohibited from serving on the IGPAC in a representative capacity in light of OMB's recent policy clarification that the eligibility restriction does not apply to advisory committee members who are specifically appointed to represent the interests of a nongovernmental entity, a

recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.), or state or local governments. The lobbyist prohibition continues to apply to persons serving on advisory committees in their individual capacity. The United States Trade Representative now will consider nominations of federally-registered lobbyists for appointment to the IGPAC as members who serve in a representative capacity. All other eligibility criteria continue to apply.

DATES: These revised membership criteria are effective immediately. Nominations for membership to the IGPAC (including self-nominations) will be accepted on a rolling basis.

ADDRESSES: Submit nominations to Julia Friedman, Attorney-Advisor for the Office of the U.S. Trade Representative's Office of Intergovernmental Affairs and Public Engagement, at *iape@ustr.eop.gov.* For alternatives to email submission, please contact Julia Friedman at (202) 395–6120.

FOR FURTHER INFORMATION CONTACT: Julia Friedman, Attorney-Advisor for the Office of the U.S. Trade Representative's Office of Intergovernmental Affairs and Public Engagement, at (202) 395–6120.

SUPPLEMENTARY INFORMATION:

Background

Section 135 of the Trade Act of 1974, as amended (*19 U.S.C. 2155*), established a trade advisory system to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. Section 135(a)(1) directs the President to:

Seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to:

(A) Negotiating objectives and bargaining positions before entering into a trade agreement under [title I of the Trade Act of 1974 and section 2103 of the Bipartisan Trade Promotion Authority Act of 2002];

(B) The operation of any trade agreement once entered into, including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) Other matters arising in connection with the development, implementation, and administration of the trade policy of the United States.

Section 135(a)(2) directs the President to:

Consult with representative elements of the private sector and the non-Federal governmental sector on the overall current trade policy of the United States. The consultations shall include, but are not limited to, the following elements of such policy:

(A) The principal multilateral and bilateral trade negotiating objectives and the progress being made toward their achievement.

(B) The implementation, operation, and effectiveness of recently concluded multilateral and bilateral trade agreements and resolution of trade disputes.

(C) The actions taken under the trade laws of the United States and the effectiveness of such actions in achieving trade policy objectives.

(D) Important developments in other areas of trade for which there must be developed a proper policy response.

Section 135(c)(3) provides that:

[T]he President may, if necessary, establish policy advisory committees representing non-Federal governmental interests to provide policy advice on matters referred to in Section 135(a), and with respect to implementation of trade agreements.

Pursuant to these provisions, the Office of the U.S. Trade Representative established the IGPAC.

Functions

The duties of the IGPAC are to provide the President, through the United States Trade Representative, with advice, and policy recommendations on matters related to trade that have a significant relationship to the affairs of non-Federal governmental interests including any U.S. state, territory, or possession, and any political subdivision, agency, or instrumentality thereof. The IGPAC will meet as needed at the call of the United States Trade Representative or his designee depending on various factors such as the level of activity of trade negotiations and the needs of the United States Trade Representative, or at the call of two-thirds of the IGPAC members.

Membership

Members serve without compensation and are responsible for all expenses incurred to attend the meetings. IGPAC members are appointed by the United States Trade Representative. Appointments are made at the chartering of the IGPAC and periodically throughout the four-year charter term, which ends on April 4, 2018, unless otherwise extended. Members serve at the discretion of the United States Trade Representative.

Members are selected to represent their sponsoring non-Federal governmental entities' interests, and thus nominees are considered foremost based upon their ability to carry out the goals of section 135(c)(3)(A) of the Trade Act of 1974, as amended. Other criteria are the nominee's knowledge of and expertise in international trade issues as relevant to the work of the IGPAC. While all or almost all IGPAC members will represent their sponsoring non-Federal entities' interests, it is possible that the United States Trade Representative may appoint members who serve in an individual capacity as subject matter experts. Appointments to the IGPAC are made without regard to political affiliation with an interest in ensuring balance in terms of sectors, demographics, and other factors relevant to the IGPAC's needs.

Request for Nominations

The Office of the U.S. Trade Representative is soliciting nominations for membership on the IGPAC. To be appointed to the IGPAC, the following eligibility criteria must be met:

1. The applicant must be a U.S. citizen.

2. If serving in an individual capacity, the applicant must not be a federally-registered lobbyist.

3. The applicant must not be registered with the U.S. Department of Justice under the Foreign Agents Registration Act.

4. The applicant must be able to obtain and maintain a security clearance.

5. For representative members, who will comprise the overwhelming majority of the IGPAC, the applicant must represent a non-Federal governmental entity, including, but not limited to, the executive and legislative branches of U.S. states, territories, possessions, and political subdivisions thereof, including local, county and municipal governments, or any agency or instrumentality thereof. The applicant also may represent an association or organization that represents the interests of U.S. non-Federal governmental entities.

6. For members who will serve in an individual capacity, the applicant must possess subject matter expertise regarding international trade issues relevant to non-Federal governmental entities.

To be considered for IGPAC membership, interested persons should submit the following to Julia Friedman at *iape@ustr.eop.gov:*

1. Applicant's name, title, affiliation, and contact information.

2. If applicable, a sponsor letter on the non-Federal governmental entity's letterhead that contains a brief description of the manner in which international trade affects the entity and

why the applicant should be considered for membership.

3. Applicant's personal resume.

4. An affirmative statement that the applicant and, if applicable, the Non-Federal governmental entity the applicant represents, meets all eligibility requirements.

Applicants who meet the eligibility criteria will be considered for membership based on the following factors: Ability to represent the sponsoring non-Federal governmental entity's interests on trade matters; knowledge of and experience in trade matters relevant to the work of the IGPAC; and ensuring that IGPAC members are appointed from and are reasonably representative of U.S. non-Federal governmental entities.

Dated: August 29, 2014.

Jewel James,

Assistant U.S. Trade Representative, Intergovernmental Affairs and Public Engagement.

[FR Doc. 2014–21123 Filed 9–4–14; 8:45 am]

BILLING CODE 3290–F4–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Nominations Based on Updated Membership Criteria for the Trade Advisory Committee on Africa

AGENCY: Office of the United States Trade Representative.

ACTION: Request for Nominations; Amendment of Membership Criteria.

SUMMARY: This notice amends the Trade Advisory Committee on Africa (TACA)—Charter Renewal and Nominations for Membership Notice of March 18, 2014 (79 FR 15201) to revise the membership eligibility criteria pursuant to the Revised Guidance on the Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions, published by the Office of Management and Budget (OMB) on August 13, 2014. Federally-registered lobbyists are no longer prohibited from serving on the TACA in a representative capacity in light of OMB's recent policy clarification that the eligibility restriction does not apply to advisory committee members who are specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.), or state or local governments. The lobbyist prohibition continues to apply to persons serving on advisory committees in their individual capacity. The United States Trade Representative now will consider nominations of federally-registered lobbyists for appointment to the TACA as members who serve in a representative capacity. All other eligibility criteria continue to apply.

DATES: These revised membership criteria are effective immediately. Nominations for membership to the TACA (including self-nominations) will be accepted on a rolling basis.

ADDRESSES: Submit nominations to Julia Friedman, Attorney-Advisor for the Office of the U.S. Trade Representative's Office of Intergovernmental Affairs and Public Engagement, at *iape@ustr.eop.gov.* For alternatives to email submission, please contact Julia Friedman at (202) 395–6120.

FOR FURTHER INFORMATION CONTACT: Julia Friedman, Attorney-Advisor for the Office of the U.S. Trade Representative's Office of Intergovernmental Affairs and Public Engagement, at (202) 395–6120.

SUPPLEMENTARY INFORMATION:

Background

Section 135 of the Trade Act of 1974, as amended (19 U.S.C. 2155), established a trade advisory system to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. Section 135(a)(1) directs the President to: Seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to:

(A) Negotiating objectives and bargaining positions before entering into a trade agreement under [title I of the Trade Act of 1974 and section 2103 of the Bipartisan Trade Promotion Authority Act of 2002];

(B) The operation of any trade agreement once entered into, including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) Other matters arising in connection with the development, implementation, and administration of the trade policy of the United States.

Section 135(c)(1) of the 1974 Trade Act provides that: [t]he President may establish individual general policy advisory committees for industry, labor, agriculture, services, investment, defense, and other interests, as appropriate, to provide general policy advice on matters referred to in [Section 135(a)]. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, service, investment, defense, and other interests, respectively, including small business interests, and shall be organized by the United States Trade Representative and the Secretaries of Commerce, Defense, Labor, Agriculture, the Treasury, or other executive departments, as appropriate. The members of such committees shall be appointed by the United States Trade Representative in consultation with such Secretaries. Section 14 of the AGOA Acceleration Act of 2004 directs the President to convene the TACA ''in order to facilitate the goals and objectives of the African Growth and Opportunity Act and this Act, and to maintain ongoing discussions with African trade and agricultural ministries and private sector organizations on issues of mutual concern, including regional and international trade concerns and World Trade Organization issues.'' Pursuant to these provisions, the Office of the U.S. Trade Representative established the TACA.

Functions

The duties of the TACA are to provide the President, through the United States Trade Representative, policy advice on issues involving trade and development in sub-Saharan Africa. The TACA will meet as needed at the call of the United States Trade Representative or his designee depending on various factors such as the level of activity of trade negotiations and the needs of the United States Trade Representative, or at the call of two-thirds of the TACA members.

Membership

Members serve without compensation and are responsible for all expenses incurred to attend the meetings. TACA members are appointed by the United States Trade Representative. Appointments are made at the chartering of the TACA and periodically throughout the four-year charter term, which ends on March 17, 2018, unless otherwise extended. Members serve at the discretion of the United States Trade Representative. Members are selected to represent their sponsoring U.S. entity's interests on sub-Saharan African trade matters, and thus nominees are considered foremost based upon their ability to carry out the goals of section 135(c) of the Trade Act of 1974, as amended. Other criteria are the nominee's knowledge of and expertise in international trade issues as relevant to the work of the TACA. While all or almost all TACA members will represent their sponsoring U.S. entities' interests, it is possible that the United States Trade Representative may appoint members who serve in an individual capacity as subject matter experts. Appointments to the TACA are made without regard to political affiliation with an interest in ensuring

balance in terms of sectors, demographics, and other factors relevant to the TACA's needs.

Request for Nominations

The Office of the U.S. Trade Representative is soliciting nominations for membership on the TACA. To be appointed to the TACA, the following eligibility criteria must be met:

1. The applicant must be a U.S. citizen.
2. The applicant must not be a full-time employee of a U.S. governmental entity.
3. If serving in an individual capacity, the applicant must not be a federally-registered lobbyist.
4. The applicant must not be registered with the U.S. Department of Justice under the Foreign Agents Registration Act;
5. The applicant must be able to obtain and maintain a security clearance.
6. For representative members, who will comprise the overwhelming majority of the TACA, the applicant must represent a U.S. organization whose members (or funders) have a demonstrated interest in issues relevant to trade and development in sub-Saharan Africa or that (a) is directly engaged in the import or export of goods or sells its services in sub-Saharan Africa, or (b) is an association of such entities.

For eligibility purposes, a ''U.S. organization'' is an organization, established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), as determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, at least 50 percent of the organization's annual revenue must be attributable to nongovernmental U.S. sources.

7. For members who will serve in an individual capacity, the applicant must possess subject matter expertise regarding international trade and development issues relevant to sub-Saharan Africa.

To be considered for TACA membership, interested persons should submit the following to Julia Friedman at *iape@ustr.eop.gov:*

1. Applicant's name, title, affiliation, and contact information.
2. If applicable, a sponsor letter on the U.S. organization's letterhead that contains a brief description of the manner in which international trade affects the U.S. organization and why the applicant should be considered for membership.
3. Applicant's personal resume.
4. An affirmative statement that the applicant and, if applicable, the U.S. organization the applicant represents meet all eligibility requirements.

Applicants who meet the eligibility criteria will be considered for membership based on the following factors: Ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade and development matters; knowledge of and experience in trade and development matters relevant to the work of the TACA; and ensuring that the TACA is balanced in terms of points of view, demographics, geography, and entity or organization size.

Dated: August 29, 2014.

Jewel James,

Assistant U.S. Trade Representative, Intergovernmental Affairs and Public Engagement.

[FR Doc. 2014–21126 Filed 9–4–14; 8:45 am]

BILLING CODE 3290–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Environmental Impact Statement for Dallas–Fort Worth Core Express Service

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Intent to prepare an environmental impact statement (EIS).

SUMMARY: The Federal Railroad Administration (FRA) is issuing this notice to advise the public that FRA and the Texas Department of Transportation (TxDOT) intend to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act of 1969 (NEPA) for the impacts of constructing and operating enhanced intercity passenger rail services between Dallas and Fort Worth (Proposed Action). The EIS will evaluate route and operational alternatives for intercity passenger rail in the corridor that currently is only served by Amtrak's long distance *Texas Eagle* service.

DATES: FRA invites the public, governmental agencies, and all other interested parties to comment on the scope of the EIS. All such comments should be provided in writing, within ninety (90) days of the publication of this notice, at the address listed below. Comments may also be provided orally or in writing at the scoping meetings. Scoping meeting dates, times and locations, in addition to related information about the EIS for the Dallas–Fort Worth Core Express service can be found online at *http://www.fra.dot.gov/Page/P0214.*

ADDRESSES: Written comments on the scope of the EIS may be mailed or emailed within ninety (90) days of the publication of this notice to Michael Johnsen, Lead Environmental Protection Specialist, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., MS–20, Washington, DC 20590 or *Michael.johnsen@dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Johnsen, Lead Environmental Protection Specialist, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., MS–20, Washington, DC 20590 or *Michael.johnsen@dot.gov,* or Melissa Neeley, Rail Projects Manager, Environmental Affairs Division of the Texas Department of Transportation, 118 E. Riverside Drive, Austin, Texas 78704. Telephone (512) 416–3014, email: *Melissa.neeley@txdot.gov.*

SUPPLEMENTARY INFORMATION: The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA and the FRA's Procedures for Considering Environmental Impacts as set forth in 64 FR 28545, dated May 26, 1999 (Environmental Procedures). The EIS will also address Section 106 of the National Historic Preservation Act, Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. 303), Executive Order 12898 and USDOT Order 5610.2(a) on Environmental Justice and other applicable Federal and state laws and regulations. The EIS will address environmental issues of concern and will include:

- Describing the purpose and need for the Proposed Action.
- Describing the environment likely to be affected by the Proposed Action.
- Identifying the reasonable alternatives that satisfy the purpose and need for the Proposed Action.
- Describing the no-build or no-action alternative to serve as a baseline for comparison.

• Describing the potential environmental impacts associated with the reasonable alternatives and mitigation to address significant impacts.

FRA, in cooperation with TxDOT, will prepare the EIS for the Dallas–Fort Worth Core Express service. The Proposed Action would provide a passenger rail connection between Dallas and Fort Worth by means of an as-yet undetermined rail technology and establish connectivity with other transportation services in Dallas and Fort Worth, including two planned high-speed rail systems: Dallas–Houston (the Central Texas High Speed Rail Project) and Oklahoma City–Dallas–Fort Worth–Austin–San Antonio (the Texas Oklahoma Passenger Rail Service). As a part of the EIS, the impacts of various alternatives and route alignments will be analyzed including shared corridors with other existing linear infrastructure, such as railroads, roads, and utilities. In addition, the EIS will analyze the potential impacts of stations, power facilities and maintenance facilities to support Core Express operations. This EIS will build upon and incorporate the forthcoming findings of the Texas Oklahoma Passenger Rail Service Tier 1 EIS, and its decisions and recommendations for the Fort Worth–Dallas connection. FRA hosts Web sites for the related passenger rail projects in the region, which can be found on FRA's Web site at *http://www.fra.dot.gov/Page/P0715.*

The EIS will describe an analysis of technology-neutral alternatives in the study area and evaluate the specific environmental impacts of reasonable alternatives in sufficient detail to allow FRA to make decisions incorporating environmental concerns consistent with NEPA goals and procedures. The evaluation will be conducted using a combination of Geographic Information System (GIS) data, field investigations, site visits and sampling. The primary environmental resources located within the study area that may be affected are: Residential, commercial, and industrial properties; streams and floodplains; wetlands and wildlife habitat; cultural resources; protected lands; and open space. FRA and TxDOT will develop alternatives that avoid and minimize impacts to these resources. Minimization and mitigation measures will be identified within the EIS where appropriate.

In accordance with NEPA, the FRA and TxDOT invite comments and suggestions regarding the scope of the EIS from all interested parties to ensure that all issues are addressed related to this proposal, all reasonable alternatives considered, and any significant impacts are identified. Letters describing the project's NEPA process and soliciting comments will be sent to appropriate federal, state, and local agencies, Native American tribes, and private organizations who might have previously expressed or who are known to have an interest in the Proposed Action. Federal agencies with jurisdiction by law or special expertise with respect to potential environmental issues will be requested to act as a Cooperating Agency in accordance with 40 CFR 1501.16.

In coordination with FRA, TxDOT will lead the outreach activities beginning with scoping meetings (dates to be determined). Public involvement initiatives including public meetings, access to a Web site, and outreach will continue throughout the EIS process. Opportunities for public participation will be announced through mailings, notices, advertisements, press releases and a FRA-hosted EIS Web page, accessible at *http://www.fra.dot.gov/Page/P0214.* One or more public hearings will be held after the Draft EIS is released and made available for public and agency review. Public notice will be given for the time and place of public hearings.

Comments or questions concerning the Proposed Action and the scope of the EIS are invited from all interested parties and should be directed to the FRA at the address provided above.

Authority: 42 U.S.C. 4321 *et. seq.*

Issued in Washington, DC, on August 28, 2014.

Corey Hill,

Director, Office of Program Delivery.

[FR Doc. 2014–21173 Filed 9–4–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Innovative Public Transportation Workforce Development Program (Ladders of Opportunity Initiative)

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of funding availability.

SUMMARY: The Federal Transit Administration (FTA) announces a Notice of Funding Availability (NOFA) for the Innovative Public Transportation Workforce Development Program Ladders of Opportunity Initiative. FTA will make available approximately $7.85 million in funds appropriated in Fiscal Year 2013 and Prior Years, in support of this effort. This NOFA solicits proposals that promote innovative nationally and regionally significant public transportation workforce development models and programs that invest in America's economic growth and help build ladders of opportunity into the middle class for American workers.

DATES: Complete proposals are due by 11:59 p.m. EDT on November 4, 2014.

ADDRESSES: All proposals must be submitted electronically through the GRANTS.GOV ''APPLY'' function. All entities intending to apply should initiate the process of registering on the GRANTS.GOV Web site immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA's Web site at *http://www.fta.dot.gov/grants/13093_3561.html* and in the ''FIND'' module of GRANTS.GOV. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: For specific information regarding the areas of research targeted within this NOFA, please contact Betty Jackson, Workforce Development Program Manager, Office of Research, Demonstration and Innovation, phone: (202) 366–1730, fax: (202) 366–3765, or email: *betty.jackson@dot.gov.* A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:

I. Discretionary Program Overview

A. Authority

Section 5322(b) of Title 49, United States Code authorizes FTA's discretionary Innovative Public Transportation Workforce Development Program, pursuant to which FTA makes grants to transit agencies and other entities to undertake workforce development activities, including those that create employment training programs, increase minority and female employment in transit, conduct research on public transportation and training needs, and provide training and assistance for minority business opportunities. Under this authority, FTA is issuing this funding opportunity for the Innovative Public Transportation Workforce Development, Ladders of Opportunity Initiative. FTA plans to fund nationally or regionally significant public transportation workforce projects that will assist in building ladders of opportunity for American workers to move into the middle class, as well as build the critical skillset needed in the public transportation industry.

B. Policy Priorities

Supporting a highly-skilled transit workforce is critical to maintaining a

competitive and efficient public transportation system. As public transportation experiences significant growth in the United States and investments continue in the physical capital of the nation's transit systems, it is essential to build and maintain the nation's human capital in public transportation as well.

FTA is seeking projects that create a new nationally or regionally significant workforce development program, or augment or replicate a successful existing program that will have benefits for transit agencies or the transit industry. While either type of effort will be considered, programs or approaches with an existing track record of success are likely to receive significant consideration.

FTA is prioritizing applications that focus on one or more of the following activity areas:

- Targeting areas with high rates of unemployment;
- ensuring that persons in local communities directly benefit from employment opportunities created by the construction and operation of new transit capital projects or other public transportation activities within their region;
- providing career pathways that support the movement of targeted populations (e.g. new transit entrants and other underserved populations, etc.) from initial or short-term employment opportunities to sustainable careers;
- giving priority to minorities, women, individuals with disabilities, veterans, low income populations and other underserved populations;
- addressing gaps in areas with current or projected workforce shortages in fields related to public transportation;
- pre-employment training/preparation/tracking; and/or
- recruitment and hiring.

FTA also is requiring that applications provide sufficient evidence of a partnership between the primary applicant and at least one other unrelated entity, such as an educational institution, a public workforce investment system, a labor organization or a non-profit organization. A primary applicant that is not a transit agency or consortium of transit agencies must partner with at least one transit agency. FTA will assess the strength of these partnerships in its evaluation of applications by contacting each partner to determine its level of involvement and financial commitment in the proposed application.

II. Program Information

A. Program Description and Purpose

The Innovative Public Transportation Workforce Development Program assists in the development of innovative programs and activities in public transportation that address the human resources needs of public transportation operators, as well as build pathways to long-term careers in the public transportation industry.

B. Eligibility Information

1. Eligible Applicants

Eligible applicants are urban and rural transit agencies; state departments of transportation (DOTs) providing public transportation services; Metropolitan Planning Organizations; Indian Tribes; nonprofit institutions; institutions of higher education; and private corporations. Only these types of organizations are eligible to apply to this program. The cooperative agreement will be between FTA and the selected organization, which must have a substantial interest in the project and must not simply act as a pass-through for funds. Applicants may apply individually or in a consortium of eligible applicants. The consortium of eligible applicants must include a lead applicant as the primary recipient of federal funds.

Individuals, for-profit entities, and Federal agencies are not eligible to apply to this Program.

2. Strategic Partnerships

To be eligible for funding under this NOFA, applicants must demonstrate that the proposed project is supported by the primary applicant in partnership with one or more external strategic partner(s) with a substantial interest and involvement in the project. An external partner must be an entity that has no direct relationship to the primary applicant. For example, the external partner may not be a department within the applicant's organization. If the primary applicant is not a transit agency or consortia of transit agencies, the external partners must include at least one transit agency as an external partner.

In addition to transit agencies, an external partner entity could include, but is not limited to:

1. Educational institutions, which include entities providing professional accreditation, degree, and/or certification programs, such as universities, community colleges, or trade schools, either non-profit or for-profit.

2. Public workforce investment systems, such as local Workforce Investment Boards and their one-stop systems.

3. Labor organizations, such as labor unions and labor management organizations.

4. Non-profit organizations that support the mission of transit and transportation workforce development.

Applicants should include a letter of confirmed support from each potential partner as part of their application.

Applicants must include sufficient evidence of the partnership. Sufficient evidence may include a memorandum of agreement or letter of intent signed by all parties that describes the parties' roles, responsibilities and financial commitment in the proposed project.

3. Cost Sharing

There are two sources of funds used for this NOFA. SAFETEA–LU and MAP–21. In accordance with 49 U.S.C. Section 5322(c) of MAP–21, there is a minimum 50 percent non-Federal cost share for all funds awarded. Regardless of minimum share requirements, cost sharing is an evaluation criterion and proposals with higher cost share will be considered more favorably. The FTA Administrator will decide the source of funds to be awarded to each applicant. Cash and other high-quality match will be considered more favorably than in-kind cost matching, though all are acceptable. FTA will not approve deferred local share. Recipients must comply with all applicable FTA requirements.

a. Eligible sources of matching funds include:

i. Cash from non-governmental sources other than revenues from providing public transportation services;

ii. Non-farebox revenues from the operation of public transportation service, such as the sale of advertising and concession revenues. A voluntary or mandatory fee that a college, university, or similar institution imposes on all its students for free or discounted transit service is not farebox revenue;

iii. Amounts received under a service agreement with a State or local social service agency or private social service organization;

iv. Undistributed cash surpluses, replacement or depreciation cash funds, reserves available in cash, or new capital;

v. In-kind contributions, such as the market value of in-kind contributions integral to the project may be counted as a contribution toward local share.

4. Other Eligibility Requirements

a. Allowable Activities

Projects must provide direct support to workforce development projects. Capital expenses *such as equipment purchases* are not considered to be eligible costs unless they directly relate to the workforce development program being supported by FTA funds. Acceptable costs can include, but are not limited to: Faculty/instructors, including salaries and fringe benefits, support staff, classroom space, books, materials and supplies, transportation stipends for students.

b. Unallowable Costs

FTA funds under this program are not intended as an offset to regular *transit agency* employee salaries and may not be used to cover the regular or overtime salaries of employees at transit agencies *offering training.* Funds *may* be used to cover the costs of staff directly engaged in a program management or training role at an agency.

C. Evaluation Criteria, Review and Selection

1. Project Evaluation Criteria

FTA will evaluate the applications submitted according to the criteria set forth below. Proposals must have a minimum threshold of $200,000 and a maximum of $1,000,000.

FTA will assess the extent to which a proposal addresses the following criteria:

a. National Applicability

FTA will evaluate whether the project has national or regional applicability and will provide a replicable model of workforce development practices.

b. Statement of Need

FTA will evaluate the extent to which the project identifies a clear and specific industry need for the Federal investment in the proposed transit workforce development activities. An applicant must submit data and provide evidence of the industry need and value for the proposed program.

c. Innovation

FTA will evaluate the extent to which a project identifies a unique, significant, or innovative approach to address workforce development issues in a transit agency.

d. Project Management and Organizational Capacity

FTA will evaluate the capacity of the applicant and its required partners to effectively staff the proposed initiative and deliver the proposed outcomes, as well as the fiscal, administrative, and performance management capacity to implement the key components of this project. FTA also will evaluate the track record of the applicant and its required partners to implement projects of similar focus, size, and scope.

e. Strategy and Project Work Plan

FTA anticipates awarding proposals for projects that will be completed within 18 to 24 months of receipt of the funding award. The period of performance will be up to 24 months from the date of execution of the grant documents. This performance period includes all necessary implementation and start-up activities, execution of the program, and completion of final deliverables as specified in the applicant's Scope of Work.

FTA will evaluate the project work plan pursuant to the following factors: (1) The presentation of a coherent plan that demonstrates the applicant's complete understanding of all the activities, responsibilities, and costs required to implement each phase of the project and achieve projected outcomes; (2) the demonstrated feasibility and reasonableness of the timeline for accomplishing all necessary implementation activities, including the ability to expeditiously begin training; and (3) the extent to which the budget aligns with the proposed work plan and is justified with respect to the adequacy and reasonableness of resources requested.

f. Outcomes and Deliverables

FTA will evaluate the extent to which the applicant and required partners demonstrate a results-oriented approach to managing and operating the project by providing projections for all applicable outcome categories relevant to measuring the success or impact of the project, describing the products and deliverables that will be produced as a result of the project activities, and fully demonstrating the appropriateness and feasibility of achieving these results. The applicant must include projected outcomes, which will be used as goals for the project.

g. Furthering Ladders of Opportunity

FTA has prioritized and will use the following activity areas of: (1) Targeting areas with high rates of unemployment; (2) ensuring that persons in local communities directly benefit from employment opportunities created by the construction and operation of new transit capital projects or other public transportation activities within their region; (3) providing career pathways that support the movement of targeted populations (e.g. new transit entrants and other underserved populations, etc. from initial or short-term employment opportunities to sustainable careers; (4) giving priority to minorities, women, individuals with disabilities, veterans, low income populations and other underserved populations; (5) addressing gaps in areas with current or projected workforce shortages in fields related to public transportation; (6) pre-employment training/preparation/tracking; and/or (7) recruitment and hiring. Further, these activity areas will be used to evaluate the extent to which an applicant and its required partners demonstrate how this program or project can assist in building ladders of opportunity to the middle class; how the proposed program can connect people and economic opportunities in public transportation; and how it can build pathways to new job opportunities in the transit field.

D. Review and Selection Process

A technical evaluation committee will review proposals under the project selection criteria. Members of the technical evaluation committee and the FTA Workforce Program Manager reserve the right to screen and rate the applications it receives and to seek clarification from any applicant about any statement in its application that FTA finds ambiguous and/or to request additional documentation to be considered during the evaluation process to clarify information contained within the proposal.

After consideration of the findings of the technical evaluation committee, the FTA Administrator will determine the final selection and amount of funding for each project. FTA may consider geographic diversity and the applicant's receipt of other discretionary awards in its award decisions.

III. Proposal Preparation and Submission

A. Proposal Submission Process

Applicants may submit more than one proposal. However, each proposal must support a new idea or program and not be duplicative. Submission of multiple proposals from a single entity will not increase that entity's chances of being awarded a grant.

Complete proposals for the Innovative Public Transportation Workforce Development Program Ladders of Opportunity Initiative must be submitted electronically through the GRANTS.GOV Web site by 11:59 EDT on November 4, 2014. Late applications will not be accepted. Proposers are encouraged to begin the process of

registration on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the Systems for Award Management (SAM) (formerly the Central Contracting Registry (CCR) system) is required; and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions.

Eligible entities *must* have or must secure a DUNS number for the purposes of formal application and potential entry into a cooperative agreement with FTA. The DUNS number is a unique nine-character number that identifies your organization. It is a tool of the federal government to track how federal money is distributed. Each FTA applicant's DUNS number will be maintained as part of the applicant's profile. This number can be obtained free through the Dun and Bradstreet (D&B) Web site (*http://www.dnb.com/US/duns_update/*).

In addition, each entity that applies and does not have an exemption under 2 CFR § 25.110 should:

(1) Be registered in the System for Award Management (SAM) prior to submitting an application or plan (*www.sam.gov*), and

(2) Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by an agency.

B. Proposal Content

The applicant should submit a project narrative statement describing the project objectives, proposed work tasks, outputs, and benefits of the proposed project for which Federal assistance is being requested. If the project is a proposal seeking support for an existing program, it should describe the proposed FTA-supported project within the context of the larger effort.

The narrative also should indicate whether matching funds will be provided, the expected duration of the project, and other information that would assist FTA to understand and evaluate the project. Each submission for a project narrative statement should not exceed 12 pages (single-spaced, single-sided, 12 point font on 8.5x11 inch paper) and must include the information listed below:

1. Project Title, Objective(s), and Contact Person

At the top of the document, state the title of the project and provide 2–3 sentences describing the intended project goals and outcomes. List the contact person for this application along with his or her address, title, phone number, fax number, and email address.

2. Statement of the Problem(s)

Provide a description of the new or existing program to be supported by the proposed project. Describe the national or regional impact of this project. Characterize the workforce issue or problem present in the public transportation industry that the project directly addresses. Describe how the project will specifically address the issue for the applying organization. Explain why the specified approach is being taken as opposed to others, and how its innovative aspects have potential for nationwide or regional application. In addition to innovative workforce practices, cite the unique features of the project, such as design or technological innovations, reductions in cost or time, environmental benefits, benefits to riders, or social and community involvement. Finally, identify uncertainties and external factors that could affect the schedule, cost, or success of the program. Supporting documentation may be provided as an attachment that will not count toward the total page limit. Such information will be considered supplementary and will not necessarily be considered by FTA in the project selection process.

3. Geographic Location, Target Groups, and Emphasis Areas

Give a precise location or locations of the project and identify the area(s), and target group(s) to be directly served by the proposed effort. Maps or other graphic aids may be attached as needed.

4. Strategic Partners

Provide a list of the strategic partner(s) that will be participating in the project, as well as a description of each organization, the unique skill sets and capacity they will bring to the project, and the activities they will carry out. Also provide documentation of the strategic partnership, such as a memorandum of agreement or letter of intent signed by all parties that describes the parties' roles, responsibilities and financial commitment in the proposed project.

5. Scope of Work

Outline a plan of action, organized by work task, pertaining to the scope and detail of how the proposed work will be accomplished. List estimated milestone dates for major activities and products. Activities should be justified in terms of eligible program activities and proposals should clearly demonstrate the connection between the planned work and at least one of the specific program activities cited. The Scope of Work also should address supporting activities, such as marketing plans for engaging participants and/or dissemination strategies for sharing the results, if such are critical to the success of the supported program.

Proposals *must* describe at least one final project deliverable and how it will improve the state of the practice. Final products and project deliverables must be made available at no cost to FTA and other agencies at the project's close for dissemination and sharing throughout the industry. Acceptable final products and deliverables include, but are not limited to, class materials, Web sites or software, recruitment materials, flyers, brochures and reports. This product is in addition to the performance reporting requirements described in Section 6 below. Additionally, a written Final Report that is consistent with FTA Report guidelines: *http://ftanet.fta.dot.gov/TRI/Documents/Preparation%20Instructions%20for%20FTA%20Final%20Reports.pdf* is required.

If a phased plan is being proposed, describe the context and additional phases on a separate page or separate pages.

6. Period of Performance

Provide a schedule for completion of tasks assuming a total period of performance of up to 24 months. If a phased plan is being proposed, describe schedule for additional phases on a separate page or separate pages (not counted toward the page maximum).

7. Cost/Budget Proposal

Provide the Federal amount requested, and a cost proposal indicating staffing levels, hours, and direct costs for the total project and amount of funding requested from FTA. The proposal must describe the source and amount of matching funds. As appropriate, the cost proposal also must set forth the nature and value of in-kind resources that team members will contribute to meet the match requirement.

Provide a line-item budget for the total project, with enough detail to indicate the various key components of the project. As FTA may elect to fund only a portion of a proposal rather than the full amount requested by the

applicant, the budget should set forth the minimum amount necessary to fund specific project components. As funding for the Innovative Public Transportation Workforce Development Program (Ladders of Opportunity Initiative) is limited, an application that can be scaled may receive additional consideration for funding.

8. Performance Measurement

Provide an approach for demonstrating the local, nationwide or regional impact of the project on the transit industry and broader employment opportunities, including the number of jobs directly supported or created by the program. The proposal should include a description of the applicant's plan for recording the outcomes and reporting in a Final Report, at a minimum, the following to FTA at the end of the project:

- The number of individuals affected by the project. Applicants should define ''affected individuals'' in terms that make sense for the proposed project.
  - For example, other common reported outcomes include:
    - Target Individuals (Veterans, Women, Youth, Incumbent Workers, etc.);
    - Number of eligible individuals entered into program;
    - Number of successful completers (completed training program, achieved applicable credential, etc.);
    - Number of placed new workers and/or advanced incumbent workers;
    - Number of retained workers after 90 days.
- The costs of the project and the share of federal investment.
- At least one measure of quality. Quantitative metrics are preferred, but qualitative metrics will be considered provided they are based on the experiences of those affected by the program (as opposed to the self-assessment of the applicant or partner agencies). Metrics could include, but are not limited to, survey results; exit interviews; longitudinal tracking of staff (during the period of performance only).
- A 1–2 page project description that will state the project's initial goals and measure achievements against those goals. This statement can also include ''lessons learned.''
- A 1–2 page statement of applicability to other entities. Once the program is complete, the applicant must describe how the project could be scaled and/or altered for application elsewhere, and what types of benefits could be realized by doing so.
- Any other performance measure that the applicant determines would describe the strengths and weaknesses of the project.

As part of the proposal, provide projections (for quantitative measures) or short hypotheses (for qualitative measures) of what type of impact/performance FTA could expect from the project.

9. Project Management

Describe the applicant's approach for managing and staffing the project, including the distribution of responsibilities among partner entities and an organizational chart, if applicable. Include responsibilities such as regular reporting, performance measurement, and technical/management interactions with FTA. Quarterly cost and activity progress reporting is required and can be submitted in the FTA electronics grant award system and by email submission to the FTA Workforce Program Manager. A template can be provided by FTA.

10. Project Staff

List each organization, operator, consultant, or other key individuals who will work on the project, along with short descriptions of their appropriate technical expertise and experience (such as past, relevant research). Attach resumes or curriculum vitae if available. Project staff resumes or curriculum vitae will not count towards the total page count for proposal submissions.

IV. Award Information

FTA will award grants of a minimum of $200,000 and a maximum of $1,000,000. FTA intends to award as many meritorious projects as possible, and may elect to award less than the amount requested by an applicant. In addition, geographic diversity and the applicant's receipt of other discretionary awards may be considered in FTA's award decisions.

a. Notification. After FTA has selected the proposals to be funded, successful applicants will be notified by email or telephone of their status. Upon notification of intent to award funds, FTA may withdraw its offer to provide Federal assistance if the recipient does not provide a formal application consistent with its proposal submission within 90 days following the date of the offer.

b. Execution of the FTA Agreement. Successful applicants will be instructed by FTA on how to execute their cooperative agreements in FTA's electronic grants management system.

c. Start Date and Incurred Costs. Absent special circumstances, costs incurred prior to FTA award are not eligible as project expenses. Absent highly unusual circumstances, FTA cannot retroactively approve a project. The recipient may begin to incur project costs as of the date the award letter is signed by FTA and the awardee executes the final signature. FTA expects grantees to implement the projects awarded as soon as possible and to fully expend grant funds during the period of performance, recognizing that full transparency and accountability are required for all expenditures.

V. Contacts for Additional Information

Prospective applicants may visit the following Web sites for more information:

- *http://www.fta.dot.gov.*
- For more on managing projects in accordance with FTA Circular 6100.1D: Transit Research and Technology Programs: Application Instructions and Program Management Guidelines: *http://fta.dot.gov/legislation_law/12349_12669.html.* This Circular includes requirements on project management and administration including quarterly reporting, financial management, and payment.

For general program information, please use the contact information identified in the front of this notice. Please contact the Grants.gov Helpdesk for assistance with electronic applications at *http://www.grants.gov.* You also may contact *support@grants.gov* or call toll-free (800) 518–4726.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2014–21155 Filed 9–4–14; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 519 (Sub-No. 4)]

National Grain Car Council Meeting

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given of a meeting of the National Grain Car Council (NGCC), pursuant to the Federal Advisory Committee Act, 5 U.S.C., app. 2 section 10(a)(2).

DATES: The meeting will be held on Thursday, September 11, 2014, beginning at 1 p.m. (CDT), and is expected to conclude at 5 p.m. (CDT).

ADDRESSES: The meeting will be held at the Radisson Blu Minneapolis, 35 South

7th Street, Minneapolis, MN 55402. Phone (866) 460–7456.

FOR FURTHER INFORMATION CONTACT: Fred Forstall at (202) 245–0241 or *alfred.forstall@stb.dot.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339].

SUPPLEMENTARY INFORMATION: The NGCC was established by the Interstate Commerce Commission (ICC) as a working group to facilitate private-sector solutions and recommendations to the ICC (and now the Board) on matters affecting rail grain car availability and transportation. *Nat'l Grain Car Supply—Conference of Interested Parties*, EP 519, (ICC served Jan. 7, 1994).

The general purpose of this meeting is to discuss rail carrier preparedness to transport the 2014 grain harvest. Agenda items include the following: Remarks by Board Chairman Daniel R. Elliott III, Board Vice Chairman and NGCC Co-Chairman Deb Miller, and Commissioner Ann D. Begeman; a review of the upcoming harvest by Jay O'Neil, Senior Agricultural Economist, IGP Institute, Kansas State University; and follow-up responses, as well as discussions of related issues, by railroad, shipper, and manufacturer/lessor response panels. The full agenda, along with other information regarding the NGCC, is posted on the Board's Web site at *http://www.stb.dot.gov/stb/rail/graincar_council.html.*

The meeting, which is open to the public, will be conducted pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management, 41 CFR part 102–3; the NGCC Charter; and Board procedures.

Public Comments: Members of the public may submit written comments to the NGCC at any time. Comments should be addressed to NGCC, c/o Fred Forstall, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001 or *alfred.forstall@stb.dot.gov.* Any further communications about this meeting will be announced through the STB Web site.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: September 2, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2014–21282 Filed 9–4–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Notice of the Data Transparency Town Hall Meeting

AGENCY: Office of the Fiscal Assistant Secretary, U.S. Treasury Department (Treasury).

ACTION: Meeting notice.

SUMMARY: Treasury's Office of the Fiscal Assistant Secretary will host a Data Transparency Town Hall meeting for the public to make presentations to federal employees (executives and key staff) who will be responsible for implementing the DATA Act, as indicated below. This notice is intended to notify public and private stakeholders, including the general public; individuals affiliated with state, local, and tribal governments; civic and professional organizations; and other interested parties, of the opportunity to present their individual views. Space is limited.

DATES: The town hall meeting will be held on September 26, 2014, from 9:00 a.m. to 5:00 p.m. Eastern Daylight Time.

ADDRESSES: Department of the Treasury, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Ms. Renata Maziarz, Bureau of the Fiscal Service, 401 14th Street SW., Washington, DC 20227, Telephone 202–874–5732.

SUPPLEMENTARY INFORMATION:

Background: On May 9, 2014, S. 994, known as the ''Digital Accountability and Transparency Act'' (DATA Act) (Pub. L. 113–101), was signed into law. The purpose of the Act is to establish government-wide financial data standards and increase the availability, accuracy, and usefulness of federal spending information.

Agenda: The purpose of the September 26, 2014 meeting is to allow public and private stakeholders to make presentations to federal employees (executives and key staff) who will be responsible for implementing the DATA Act regarding federal spending transparency and data standardization. Senior executives from Treasury, Office of Management and Budget (OMB), and the White House will make opening and closing remarks. Representatives from federal agencies will present on efforts to standardize federal financial management data. The rest of the meeting will feature presentations by members of public on the following:

(1) Why is federal spending transparency important? Stakeholder perspectives.

Goal: Hear from public and private stakeholders on the impact and need for spending transparency.

Questions:

A. What organization are you affiliated with, if any?

B. From your perspective, why is federal spending transparency important?

C. Where do you find federal spending information now?

D. How do you use federal spending information?

E. How would you use the additional information required by the DATA Act?

F. What suggestions do you have for prioritizing federal spending information enhancements?

(2) Transforming financial management reporting through standardized data exchanges.

Goal: Hear from experts that have implemented data exchange standards (e.g., Extensible Markup Language (XML), Xtensible Business Reporting Language (XBRL), National Information Exchange Model (NIEM)) to increase transparency and reduce reporting burden.

Questions:

A. What organization are you affiliated with, if any?

B. How have non-proprietary industry standards for exchanging data been implemented?

C. How have you benefited from implementing the industry standard for exchanging data?

D. How have you increased transparency and/or reduced reporting burden by implementing the industry standard for exchanging data?

E. What suggestions and/or lessons learned do you have for the Federal Government in implementing standards for exchanging financial data?

(3) Technical Implementation: Industry Perspective.

Goal: Demonstrate what is possible from a technology perspective.

Questions:

A. What organization are you affiliated with, if any?

B. What is possible from a technical implementation perspective for improving access to data?

C. What is possible from a technical implementation perspective for displaying federal spending information in graph or other visual formats?

Procedures for notifying the Treasury of attendance: Persons wishing to attend the meeting should submit an RSVP electronically to Ms. Renata Maziarz at *Renata.Maziarz@fiscal.treasury.gov* and write ''September 26, 2014 Data Transparency Town Hall RSVP'' in the subject line, or by mail to Renata Maziarz, Bureau of the Fiscal Service,

401 14th Street SW., Suite 271 D, Washington, DC 20227. ''Data Transparency Town Hall RSVP'' should be written on the envelope. Because paper mail in the Washington, DC area may be subject to delay, it is recommended that you RSVP electronically. Please include your name, affiliation (or indicate ''self''), address, email address, telephone number, and indicate whether you wish to make a presentation, in your RSVP.

Procedures for submitting public comments or presentation materials: Persons wishing to present at the meeting should email their written comments and/or presentation materials to Ms. Renata Maziarz at *Renata.Maziarz@fiscal.treasury.gov* and write ''September 26, 2014, 2014 Data Transparency Town Hall public comment'' in the subject line. Please provide these written comments or presentation materials on the topics listed above no later than September 19, 2014. You may mail your public comments or presentation materials to Ms. Renata Maziarz, Bureau of the Fiscal Service, 401 14th Street SW., Suite 271 D, Washington, DC 20227, ''Data Transparency Town Hall public comment'' should be written on the envelope. Because paper mail in the Washington, DC area may be subject to delay, it is recommended that you submit your comments or presentation materials electronically.

Presentations: Treasury will provide the necessary visual equipment to project the submitted presentations to the audience the day of the meeting. Hard copies will not be provided.

Space and Time Limitations: There will be limited space for this meeting; therefore, public and private stakeholders who have submitted written comments and/or signed up in advance to make presentations will be given priority in attending this meeting and speaking at the Data Transparency Town Hall. A time limit of no more than 20 minutes each (followed by a 10 minute question and answer session) will be placed on those members of the public wishing to speak at the meeting. Treasury will make every effort to hear the individual views of all interested persons. Treasury plans to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Meeting Record: The submitted presentations will be the only record of the meeting and will be posted on the Bureau of the Fiscal Service's Web site after the public meeting.

Arrival: Interested parties are encouraged to arrive at least 30 minutes early to accommodate security procedures. A valid government-issued photo identification card will be required to enter the building. Additional clearance information will be obtained from attendees and presenters once they are selected.

Special Accommodations: The public meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Renata Maziarz at least 5 working days prior to the meeting date.

David A. Lebryk,

Fiscal Assistant Secretary.

[FR Doc. 2014–21213 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request; Domestic Credit Card Data

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning its proposed information collection titled, ''Domestic Credit Card Data.''

DATES: You should submit written comments by: November 4, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–NEW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Johnny Vilela or Mary H. Gottlieb, (202) 874–5090, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting approval on its proposed information collection:

Title: Credit Card Data.

OMB Control Number: To be assigned by OMB.

Description: This collection involves the provision of monthly comprehensive credit card account level data to the OCC. The OCC requires this comprehensive credit card data to obtain a detailed picture of the activities of national bank credit card issuers. The scope of the credit card data includes domestic general purpose, private label, and business card portfolios (excluding corporate and government). Additionally, it includes credit bureau attributes at the account level and portfolio level data. The collection request covers all credit card receivables managed by the largest national banks credit card issuers and their subsidiaries. The credit card account level data requested uses common definitions and data elements for asset quality metrics (delinquencies, losses, etc.), forbearance activities, and segmentation by credit quality risk indicators (such as FICO scores). The credit card portfolio level data request uses common definitions and data elements for portfolio performance metrics not likely to be captured at the

account level. The account level data collection frequency is monthly with credit attributes collected quarterly; and, the portfolio level data collection is quarterly using month-end data for each month in the quarter.

This collection supports OCC's efforts to perform risk-based supervision of large banks by enhancing its benchmarking and analytic capabilities. Comprehensive credit card data allows early warning analysis and benchmarking across the largest federally regulated credit card issuers. A standard set of data elements and definitions allows sound conclusions to be drawn regarding the credit card industry. The data is important and necessary to support supervisory activities to ensure the safety and soundness of the federal banking system.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 17.

Estimated Annual Responses per Respondent: 12.

Estimated Burden per Response: 430 hours.

Estimated Total Annual Burden: 87,720 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 18, 2014.

Stuart E. Feldstein,

Director, Legislative & Regulatory Activities Division.

[FR Doc. 2014–21130 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request; Domestic Residential Home Equity Lending Data

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its proposed information collection titled, ''Domestic Residential Home Equity Lending Data.''

DATES: You should submit written comments by: November 4, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557—NEW, 400 7th Street, SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Johnny Vilela or Mary H. Gottlieb, (202) 874–5090, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting OMB approval for the following information collection:

Title: Domestic Residential Home Equity Lending Data.

OMB Control Number: To be assigned by OMB.

Description: Comprehensive home equity line of credit data is vital to assessing and monitoring credit quality and loss mitigation activities in the residential mortgage market and the federal banking system. This data is important and necessary to support supervisory activities to ensure the safety and soundness of the federal banking system. Where the respondent is both the servicer and originator of a home equity loan or line of credit, the Home Equity Residential Lending Data collection would include origination data and only servicing data where the respondent services for others. Detailed loan level data would be collected monthly and portfolio level data collected quarterly. All data collected would be based on standard data and definitions.

The reported loan level data items would include: Loan number; property information; loan, line, and appraisal amounts; loan documentation information; loan-to-values and debt-to income-ratios; non-personally identifiable information borrower information; bankruptcy and foreclosure status; and other detailed loan information. The reported portfolio level data would include: Total managed Home Equity portfolio (lines and loans), total securitized Home

Equity portfolio, and other portfolio level information.

Also, in order to match senior and junior lien residential mortgages on the same collateral, the OCC would collect additional information (add data elements) on the residential mortgage loans reported in Domestic First Lien Residential Mortgage and the Domestic Residential Home Equity Lending datasets. This data would include: Property and mailing address, census tract, liquidation status, and original lien position. By matching the senior and junior liens by property ID, the OCC would gain better insight into the level of risk of both credit types, for example, current loans secured by junior liens behind past due loans secured by first liens.

By matching the senior and junior liens by property ID, the OCC would gain better insight into the level of risk of both credit types, for example, current loans secured by junior liens behind past due loans secured by first liens.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 64.

Estimated Annual Responses per Respondent: 12.

Estimated Burden per Response: 430.

Estimated Total Annual Burden: 330,240 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 18, 2014.

Stuart E. Feldstein,

Director, Legislative & Regulatory Activities Division.

[FR Doc. 2014–21129 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request; Domestic First Lien Residential Mortgage Data

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its proposed information collection titled, ''Domestic First Lien Residential Mortgage Data.''

DATES: You should submit written comments by: November 4, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557—NEW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Johnny Vilela or Mary H. Gottlieb, (202) 874–5090, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting OMB approval for the following information collection:

Title: Domestic First Lien Residential Mortgage Data.

OMB Control Number: To be assigned by OMB.

Description: Comprehensive mortgage data is vital to assessing and monitoring credit quality and loss mitigation activities in the residential mortgage market and the federal banking system. This data is important and necessary to support supervisory activities to ensure the safety and soundness of the federal banking system.

This data collection would include monthly first lien real estate mortgage loan level-data and include origination and servicing information. The reported data items would include: loan number; loan, line and appraisal amounts; loan documentation information; loan-to-value- and debt-to-income ratios; bankruptcy or foreclosure status; and other detailed loan information.

Also, in order to match senior and junior lien residential mortgages on the same collateral, the OCC also would collect additional information on the residential mortgage loans reported in Domestic First Lien Residential Mortgage and the Domestic Residential Home Equity Lending datasets. This data would include: property and mailing address, census tract, liquidation status, and original lien position. By matching the senior and junior liens by property ID, the OCC would gain better insight into the level of risk of both credit types.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 61.

Estimated Annual Responses per Respondent: 12 per year.

Estimated Burden per Response: 430.

Estimated Total Annual Burden: 314,760 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 18, 2014.

Stuart E. Feldstein,

Director, Legislative & Regulatory Activities Division.

[FR Doc. 2014–21128 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Imposition of Sanctions on Three Individuals and Eight Entities Pursuant to Executive Order 13608

SUB-AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is providing notice of actions taken by OFAC with respect to three individuals and eight entities to impose sanctions pursuant to Executive Order 13608 of May 1, 2012, ''Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Respect to Iran and Syria'' (''E.O. 13608'').

DATES: OFAC's actions described in this notice to impose sanctions pursuant to E.O. 13608 were effective February 6, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance and Evaluation, 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.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service tel.: (202) 622–0077.

Background

On May 1, 2012, the President issued Executive Order 13608, ''Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Respect to Iran and Syria'' (''E.O. 13608''). Section 1(a)(ii) of E.O. 13608 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose on a foreign person certain measures upon determining that the foreign person has, inter alia, ''facilitated deceptive transactions for or on behalf of any person subject to United States sanctions concerning Iran or Syria.''

Section 7(d) of E.O. 13608 defines the term ''deceptive transaction'' to mean ''any transaction where the identity of any person subject to United States sanctions concerning Iran or Syria is withheld or obscured from other participants in the transaction or any relevant regulatory authorities.''

Section 1(b) of E.O. 13608 authorizes the Secretary of the Treasury to prohibit all transactions or dealings involving such persons sanctioned under E.O. 13608 in or related to any goods, services, or technology (i) in or intended for the United States, or (ii) provided by or to United States persons, wherever located. These prohibitions cover the aforementioned transactions or dealings, but do not require the blocking of property or interests in property of the person sanctioned pursuant to E.O. 13608.

On February 6, 2014, the Director of OFAC, acting pursuant to delegated authority, imposed sanctions on the individuals and entities listed below and prohibited all transactions or dealings involving those individuals and entities, as described in Section 1(b) of E.O. 13608.

Individuals

1. FARSOUDEH, Houshang (a.k.a. FARSOUDEH, Houshang Hossein; a.k.a. FARSOUDEH, Hushang); DOB 10 Oct 1968; POB Tehran, Iran; Passport H2726141 (Iran) (individual) [FSE–IR].
2. HOSSEINPOUR, Houshang (a.k.a. HOSEIN–PUR, Houshang; a.k.a. HOSSEINPOUR, Houshang Shahali); DOB 21 Mar 1967; POB Tehran, Iran; Passport R17550559 (Iran) expires 11 Jul 2015 (individual) [FSE–IR].
3. NAYEBI, Pourya (a.k.a. NAYEBI, Pourya Ali Asghar); DOB 25 Jul 1974; POB Tehran, Iran; Passport V11664675 (Iran) expires 07 Aug 2012 (individual) [FSE–IR].

Entities

1. CAUCASUS ENERGY (a.k.a. CAUCASUS ENERGY OF GEORGIA; a.k.a. LLC CAUCASUS ENERGY), Georgia; Registration ID 406075081 [FSE–IR].
2. EUROPEAN OIL TRADERS (a.k.a. EUROPEAN OIL TRADERS SA), Kaiserstuhlerstrasse 81, 8175, Windlach, Switzerland; 8174 Stadel b., Niederglatt, Switzerland [FSE–IR].
3. GEORGIAN BUSINESS DEVELOPMENT (a.k.a. GBD FIZ; a.k.a. GBD FIZ LIMITED; a.k.a. GBD FIZ, LLC), Tbilisi, Georgia; Plot 545, Unit 1B–8D, Free Industrial Zone, Poti, Georgia; Deira, Dubai, United Arab Emirates [FSE–IR].
4. GREAT BUSINESS DEALS, Tbilisi, Georgia; Plot 545, Unit 1B–8D, Free Industrial Zone, Poti, Georgia; Deira, Dubai, United Arab Emirates [FSE–IR].
5. KSN FOUNDATION, Muehleholz 3, Vaduz 94490, Liechtenstein [FSE–IR].
6. NEW YORK GENERAL TRADING (a.k.a. ''NYGT''), No. 815, Al Maktoum Building, Al Maktoum St, P.O. Box 42108, Deira, Dubai, United Arab Emirates; Registration ID 547066 [FSE–IR].
7. NEW YORK MONEY EXCHANGE (a.k.a. ''NYME''), P.O. Box 85334, Dubai, United Arab Emirates; Shop 14, Al MM Tower, Al Maktoum St, Dubai, United Arab Emirates; P.O. Box 31138, Abu Dhabi, United Arab Emirates; P.O. Box 42108, Dubai, United Arab Emirates; 20 Rustaveli Avenue, Tbilisi, Georgia; Tbilisi International Airport, Tbilisi, Georgia; Batumi Airport, Batumi, Georgia; Commercial Registry Number 549905 (United Arab Emirates) [FSE–IR].
8. ORCHIDEA GULF TRADING (a.k.a. ORCHIDEA GULF EXCHANGE TRADING CO L; a.k.a. ORCHIDEA GULF TRADING ALTIN VE KIYMELTI MADENLER DIS TIC LTD STI; a.k.a. ''ORCHIDEA GENERAL TRADING LLC''; a.k.a. ''ORCHIDEA GULF COAST TRADING CO L''), P.O. Box 11254, Dubai, United Arab Emirates; P.O. Box 11254, 6305 Zinath Omar Kin Khatab, Dubai, United Arab Emirates; P.O. Box 11256 Zinath Omar Kin Khatab, Dubai, United Arab Emirates; P.O. Box 6305

Zinath Omar Kin Khatab, Dubai, United Arab Emirates; P.O. Box 85334, Dubai, United Arab Emirates; P.O. Box 85334, Office Number 605, Concord Hotel, Al Matoum Street, Dubai, United Arab Emirates; Molla Gurani Mahallesi Sehit Pilot Nedim Sok. Evirgenler Ish, 5/5, Istanbul, Turkey [FSE–IR].

The Director of OFAC has prohibited all transactions or dealings involving the individuals and entities listed above in or related to any goods, services, or technology (i) in or intended for the United States, or (ii) provided by or to United States persons, wherever located. The individuals and entities listed above have been added to OFAC's List of Foreign Sanctions Evaders with the identifying tag ''FSE–IR.''

Dated: July 18, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–21225 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

OFAC Implementation of Certain Sanctions Imposed on KISH PROTECTION & INDEMNITY and CENTRAL INSURANCE OF IRAN by the Secretary of State Pursuant to the Iran Threat Reduction and Syria Human Rights Act of 2012

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is providing notice of actions taken by OFAC to implement certain of the sanctions imposed on KISH PROTECTION & INDEMNITY and CENTRAL INSURANCE OF IRAN by the Secretary of State pursuant to the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158) (22 U.S.C. 8701–8795).

DATES: OFAC's actions described in this notice to implement the sanctions on KISH PROTECTION & INDEMNITY and CENTRAL INSURANCE OF IRAN were effective March 14, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance and Evaluation, 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.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service tel.: (202) 622–0077.

Background

Section 212 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158) (22 U.S.C. 8701–8795) (''TRA'') requires the Secretary of State, pursuant to authority delegated by the President, to impose or waive sanctions on persons determined to have knowingly provided, on or after the date of enactment of the TRA, underwriting services or insurance or reinsurance services for the National Iranian Oil Company, the National Iranian Tanker Company, or a successor entity to either such company. When the Secretary of State imposes sanctions pursuant to section 212 of the TRA, he is required to select five or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note), as amended (''ISA''). Executive Order 13628 of October 9, 2012, ''Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Threat Reduction and Syria Human Rights Act of 2012 and Additional Sanctions With Respect to Iran'' (''E.O. 13628''), requires the Secretary of the Treasury, pursuant to authority under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to implement certain sanctions set forth in section 6 of ISA, when those sanctions are selected and imposed by the Secretary of State pursuant to the TRA.

The Secretary of the Treasury is responsible for implementing the following sanctions described in section 6(a) of ISA and imposed by the Secretary of State pursuant to section 212 of the TRA: (i) With respect to section 6(a)(3) of ISA, to prohibit any U.S. financial institution from making loans or providing credits to a person sanctioned under section 212 of the TRA, consistent with section 6(a)(3) of ISA; (ii) with respect to section 6(a)(6) of ISA, to prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a person sanctioned under section 212 of the TRA has any interest; (iii) with respect to section 6(a)(7) of ISA, to prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involved any interest of a person sanctioned under section 212 of the TRA; (iv) with respect to section 6(a)(8) of ISA, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of a person sanctioned under section 212 of the TRA, and to provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; (v) with respect to section 6(a)(9) of ISA, to prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a person sanctioned under section 212 of the TRA; (vi) with respect to section 6(a)(11) of ISA, to impose on the principal executive officer or officers, or persons performing similar functions and with similar authorities, of a person sanctioned under section 212 of the TRA the sanctions described in paragraphs (i) through (v) above and (vii) below, as selected by the Secretary of State; and (vii) with respect to section 6(a)(12) of ISA, to restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from a person sanctioned under section 212 of the TRA.

The Secretary of State has imposed sanctions on two persons pursuant to section 212 of the TRA. *See* 78 FR 21183 (April 9, 2013), which provides the names of the two persons subject to sanctions, as well as a complete list of the sanctions imposed on each person. Accordingly, the Director of OFAC, acting pursuant to delegated authority, has taken the actions described below to implement those sanctions set forth in section 1 of E.O. 13628 and imposed by the Secretary of State pursuant to section 212 of the TRA with respect to the following persons:

1. KISH PROTECTION & INDEMNITY (a.k.a. KISH MUTUAL PROTECTION & INDEMNITY; a.k.a. KISH P&I), Flt No. 9, No. 78, Vaali Nejad Alley, Africa Blvd., Tehran, Iran [IRAN–TRA]

2. CENTRAL INSURANCE OF IRAN (a.k.a. BIMEH MARKAZI; a.k.a. BIMEH MARKAZI IRAN; a.k.a. CENTRAL INSURANCE OF IR IRAN; a.k.a. CENTRAL INSURANCE OF THE ISLAMIC REPUBLIC OF IRAN), No. 223 N. East St., Africa Ave., Tehran, Iran [IRAN–TRA]

The Director of OFAC has: (a) Blocked all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of the two entities

listed above; and (b) prohibited any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the two entities listed above. Both entities have been added to OFAC's List of Specially Designated Nationals and Blocked Persons with the identifying tag ''IRAN–TRA.''

Dated: August 8, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–21218 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Update of Vessels Identified Pursuant to the Iranian Transactions and Sanctions Regulations and Executive Order 13599

SUB-AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the updated names and flagging information of thirty three (33) vessels previously identified as property of the Government of Iran under the Iranian Transactions and Sanctions Regulations (the ''ITSR''), 31 C.F.R. Part 560, and Executive Order 13599, and has revised the entries on OFAC's list of Specially Designated Nationals and Blocked Persons to reflect the new information.

DATES: The updates made by the Director of OFAC of the vessels identified in this notice, pursuant to the ITSR and Executive Order 13599, was effective on December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, 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 February 5, 2012, the President issued Executive Order 13599, ''Blocking Property of the Government of Iran and Iranian Financial Institutions'' (the ''Order''). Section 1 (a) of the Order blocks, with certain exceptions, all property and interests in property of the Government of Iran, including the Central Bank of Iran, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any foreign branch.

Section 7 (d) of the Order defines the term ''Government of Iran'' to mean the Government of Iran, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Iran, and any person owned or controlled by, or acting for or on behalf of, the Government of Iran.

The ITSR implements Section 1(a) of the Order. Section 560.304 of the ITSR defines the term ''Government of Iran'' to include: ''(a) The state and the Government of Iran, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Iran; (b) Any entity owned or controlled directly or indirectly by the foregoing; (c) Any person to the extent that such person is, or has been, since the effective date, acting or purporting to act, directly or indirectly, on behalf of any of the foregoing; and (d) Any other person determined by the Office of Foreign Assets Control to be included within [(a) through (c)].'' Section 560.313 of the ITSR further defines an ''entity owned or controlled by the Government of Iran'' to include ''any corporation, partnership, association, or other entity in which the Government of Iran owns a 50 percent or greater interest or a controlling interest, and any entity which is otherwise controlled by that government.''

On December 12, 2013, the Director of OFAC identified new names and flagging information of thirty-three (33) vessels previously identified as property in which the Government of Iran has an interest that are blocked pursuant to the Order and the ITSR and, accordingly, revised the entries on OFAC's list of Specially Designated Nationals and Blocked Persons to reflect the new information.

The listing for these vessels is as follows:

1. BAIKAL (f.k.a. BLOSSOM; f.k.a. SIMA) (T2DY4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9357353; MMSI 572449210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SUCCESS (f.k.a. BAIKAL; f.k.a. BLOSSOM; f.k.a. SIMA) (T2DY4) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9357353; MMSI 572449210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
2. BLACKSTONE (f.k.a. SARV) (9HNZ9) Crude Oil Tanker Seychelles flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9357377; MMSI 249257000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SPLENDOUR (f.k.a. BLACKSTONE; f.k.a. SARV) (9HNZ9) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Seychelles; Vessel Registration Identification IMO 9357377; MMSI 249257000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
3. CAMELLIA (f.k.a. SAVEH) (5IM 594) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9171462; MMSI 677049400 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SWALLOW (f.k.a. CAMELLIA; f.k.a. SAVEH) (5IM 594) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9171462; MMSI 677049400 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
4. CARNATION (f.k.a. SAFE; a.k.a. YARD NO. 1220 SHANGHAI WAIGAOQIAO) Crude Oil Tanker Tanzania flag; Former Vessel Flag Tuvalu; alt. Former Vessel Flag Malta; Vessel Registration Identification IMO 9569205 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SUNSHINE (f.k.a. CARNATION; f.k.a. SAFE; a.k.a. YARD NO. 1220 SHANGHAI WAIGAOQIAO) Crude Oil Tanker None Identified flag; Former Vessel Flag Tuvalu; alt. Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9569205 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
5. CHRISTINA (f.k.a. AMOL; f.k.a. CASTOR) (T2EM4) Crude/Oil Products Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9187667; MMSI 256843000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SILVER CLOUD (f.k.a. AMOL; f.k.a. CASTOR; f.k.a. CHRISTINA) (T2EM4) Crude/Oil Products Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9187667; MMSI 256843000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

6. CLOVE (f.k.a. SEMNAN) (5IM 595) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9171450; MMSI 677049500 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SPARROW (f.k.a. CLOVE; f.k.a. SEMNAN) (5IM 595) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9171450; MMSI 677049500 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
7. COMPANION (f.k.a. DAVAR) (5IM 593) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9357717; MMSI 677049300 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- DAL LAKE (f.k.a. COMPANION; f.k.a. DAVAR) (5IM 593) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9357717; MMSI 677049300 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
8. CRYSTAL (f.k.a. ABADEH) (9HDQ9) Crude/Oil Products Tanker Tanzania flag; Former Vessel Flag Malta; Vessel Registration Identification IMO 9187655; MMSI 256842000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SUNDIAL (f.k.a. ABADEH; f.k.a. CRYSTAL) (9HDQ9) Crude/Oil Products Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9187655; MMSI 256842000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
9. DAISY (f.k.a. SUSANGIRD) (5IM584) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9172038; MMSI 677048400 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SUPERIOR (f.k.a. DAISY; f.k.a. SUSANGIRD) (5IM584) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9172038; MMSI 677048400 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
10. EXPLORER (f.k.a. HODA; f.k.a. PRECIOUS) (T2EH4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9362059; MMSI 572458210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- HYDRA (f.k.a. EXPLORER; f.k.a. HODA; f.k.a. PRECIOUS) (T2EH4) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9362059; MMSI 572458210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
11. FREEDOM (f.k.a. HARAZ) (5IM 597) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9357406; MMSI 677049700 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- AMBER (f.k.a. FREEDOM; f.k.a. HARAZ) (5IM 597) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9357406; MMSI 677049700 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
12. JANUS (f.k.a. HONAR; f.k.a. VICTORY) (T2EA4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9362061; MMSI 209511000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- DOVE (f.k.a. HONAR; f.k.a. JANUS; f.k.a. VICTORY) (T2EA4) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9362061; MMSI 209511000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
13. JUPITER (f.k.a. ASTARA) (9HDS9) Crude/Oil Products Tanker None Identified flag; Former Vessel Flag Tuvalu; alt. Former Vessel Flag Malta; Vessel Registration Identification IMO 9187631; MMSI 256845000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- ABELIA (f.k.a. ASTARA; f.k.a. JUPITER) (9HDS9) Crude/Oil Products Tanker None Identified flag; Former Vessel Flag Tuvalu; alt. Former Vessel Flag Malta; Vessel Registration Identification IMO 9187631; MMSI 256845000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
14. LANTANA (f.k.a. SANANDAJ) (5IM591) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9172040; MMSI 677049100 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SPOTLESS (f.k.a. LANTANA; f.k.a. SANANDAJ) (5IM591) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9172040; MMSI 677049100 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
15. LEADERSHIP (f.k.a. DANESH) (5IM 592) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9356593; MMSI 677049200 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- DECESIVE (f.k.a. DANESH; f.k.a. LEADERSHIP) (5IM 592) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9356593; MMSI 677049200 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
16. MAESTRO (f.k.a. FAEZ; f.k.a. SATEEN) (T2DM4) Chemical/Products Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9283760; MMSI 572438210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- FIANGA (f.k.a. FAEZ; f.k.a. MAESTRO; f.k.a. SATEEN) (T2DM4) Chemical/Products Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9283760; MMSI 572438210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
17. MAGNOLIA (f.k.a. SARVESTAN) (5IM590) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9172052; MMSI 677049000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SABRINA (f.k.a. MAGNOLIA; f.k.a. SARVESTAN) (5IM590) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9172052; MMSI 677049000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
18. MARIGOLD (f.k.a. BRAWNY; f.k.a. NABI) (T2DS4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9079080; MMSI 572443210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- NYOS (f.k.a. BRAWNY; f.k.a. MARIGOLD; f.k.a. NABI) (T2DS4) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9079080; MMSI 572443210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
19. MIDSEA (f.k.a. MOTION; f.k.a. NAJM) (T2DR4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9079092; MMSI 572442210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- NAINITAL (f.k.a. MIDSEA; f.k.a. MOTION; f.k.a. NAJM) (T2DR4) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9079092; MMSI 572442210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
20. MILLIONAIRE (f.k.a. HIRMAND; f.k.a. HONESTY) (T2DZ4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9357391; MMSI 572450210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER

COMPANY). -to- HONESTY (f.k.a. HIRMAND; f.k.a. HONESTY; f.k.a. MILLIONAIRE) (T2DZ4) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9357391; MMSI 572450210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

21. OCEANIC (f.k.a. NESA; f.k.a. TRUTH) (T2DP4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9079107; MMSI 572440210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- NATIVE LAND (f.k.a. NESA; f.k.a. OCEANIC; f.k.a. TRUTH) (T2DP4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9079107; MMSI 572440210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
22. PIONEER (f.k.a. HADI) (T2EJ4) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9362073; MMSI 572459210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- ZEUS (f.k.a. HADI; f.k.a. PIONEER) (T2EJ4) Crude Oil Tanker None Identified flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9362073; MMSI 572459210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
23. RAINBOW (f.k.a. SOUVENIR; a.k.a. YARD NO. 1221 SHANGHAI WAIGAOQIAO) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9569619 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- DOJRAN (f.k.a. RAINBOW; f.k.a. SOUVENIR; a.k.a. YARD NO. 1221 SHANGHAI WAIGAOQIAO) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9569619 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
24. SCORPIAN (f.k.a. HORMOZ) (9HEK9) Crude Oil Tanker Tanzania flag; Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9212890; MMSI 256870000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- HORIZON (f.k.a. HORMOZ; f.k.a. SCORPIAN) (9HEK9) Crude Oil Tanker None Identified flag; Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9212890; MMSI 256870000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
25. SEAHORSE (f.k.a. GARDENIA; f.k.a. SEPID) (T2EF4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9356608; MMSI 572455210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SANCHI (f.k.a. GARDENIA; f.k.a. SEAHORSE; f.k.a. SEPID) (T2EF4) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9356608; MMSI 572455210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
26. SEAPRIDE (f.k.a. ASTANEH; f.k.a. NEPTUNE) (T2ES4) Crude/Oil Products Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9187643; MMSI 572467210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- ALERT (f.k.a. ASTANEH; f.k.a. NEPTUNE; f.k.a. SEAPRIDE) (T2ES4) Crude/Oil Products Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9187643; MMSI 572467210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
27. SMOOTH (a.k.a. YARD NO. 1225 SHANGHAI WAIGAOQIAO) Crude Oil Tanker Malta flag; Vessel Registration Identification IMO 9569657 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SMOOTH (a.k.a. YARD NO. 1225 SHANGHAI WAIGAOQIAO) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; Vessel Registration Identification IMO 9569657 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
28. SONATA (a.k.a. YARD NO. 1222 SHANGHAI WAIGAOQIAO) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; Vessel Registration Identification IMO 9569633 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- FORTUN (f.k.a. SONATA; a.k.a. YARD NO. 1222 SHANGHAI WAIGAOQIAO) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; Vessel Registration Identification IMO 9569633 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
29. SONGBIRD (a.k.a. YARD NO. 1224 SHANGHAI WAIGAOQIAO) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; Vessel Registration Identification IMO 9569645 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- SALALEH (f.k.a. SONGBIRD; a.k.a. YARD NO. 1224 SHANGHAI WAIGAOQIAO) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; Vessel Registration Identification IMO 9569645 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
30. TAMAR (f.k.a. HAMOON; f.k.a. LENA) (T2EQ4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9212929; MMSI 572465210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- HALISTIC (f.k.a. HAMOON; f.k.a. LENA; f.k.a. TAMAR) (T2EQ4) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9212929; MMSI 572465210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
31. TULAR (f.k.a. HENGAM; f.k.a. LOYAL) (T2ER4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9212905; MMSI 256875000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- HAPPINESS (f.k.a. HENGAM; f.k.a. LOYAL; f.k.a. TULAR) (T2ER4) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9212905; MMSI 256875000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
32. VALOR (f.k.a. HARSIN) (5IM600) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9212917; MMSI 677050000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- MARINA (f.k.a. HARSIN; f.k.a. VALOR) (5IM600) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9212917; MMSI 677050000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).
33. VOYAGER (f.k.a. ELITE; f.k.a. NOAH) (T2DQ4) Crude Oil Tanker Tanzania flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; Vessel Registration Identification IMO 9079078; MMSI 572441210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY). -to- NAPOLI (f.k.a. ELITE; f.k.a. NOAH; f.k.a. VOYAGER) (T2DQ4) Crude Oil Tanker None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Vessel Registration Identification IMO 9079078; MMSI 572441210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Dated: August 8, 2014.

Barbara C. Hammerle,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–21170 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

OFAC Implementation of Certain Sanctions Imposed on Ferland Company Limited by the Secretary of State Pursuant to the Iran Sanctions Act of 1996, as Amended; Actions Taken With Respect to Ferland Company Limited Pursuant to Executive Order 13608 and Executive Order 13645

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is providing notice of actions taken by OFAC with respect to Ferland Company Limited to (i) implement certain of the sanctions imposed by the Secretary of State pursuant to the Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note), as amended (''ISA''); (ii) impose sanctions pursuant to Executive Order 13608 of May 1, 2012, ''Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Respect to Iran and Syria'' (''E.O. 13608''); and (iii) block property and interests in property in which Ferland Company Limited has an interest pursuant to Executive Order 13645 of June 3, 2013 ''Authorizing the Implementation of Certain Sanction set forth in the Iran Freedom and Counter-Proliferation Act of 2012 and Additional Sanctions with Respect to Iran'' (''E.O. 13645'').

DATES: OFAC's actions described in this notice to implement certain ISA sanctions and impose sanctions pursuant to E.O. 13608 on Ferland Company Limited were effective May 31, 2013. OFAC's actions pursuant to Executive Order 13645 described in this notice were effective December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance and Evaluation, 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.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service tel.: (202) 622–0077.

Background

The Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note), as amended (''ISA''), requires the Secretary of State, pursuant to authority delegated by the President, to impose or waive sanctions on persons determined to have engaged in certain investment or other activity in connection with Iran's petroleum or petrochemical sectors. Specifically, section 5(a)(8) of ISA requires the imposition of sanctions on certain persons that conceal the Iranian origin of crude oil and refined petroleum products. Executive Order 13628 of October 9, 2012, ''Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Threat Reduction and Syria Human Rights Act of 2012 and Additional Sanctions With Respect to Iran'' (''E.O. 13628''), requires the Secretary of the Treasury, pursuant to authority under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to implement certain sanctions set forth in section 6 of ISA when those sanctions are selected and imposed by the Secretary of State pursuant to ISA.

The Secretary of the Treasury is responsible for implementing the following sanctions described in section 6(a) of ISA: (i) With respect to section 6(a)(3) of ISA, to prohibit any U.S. financial institution from making loans or providing credits to a person sanctioned under ISA; (ii) with respect to section 6(a)(6) of ISA, to prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a person sanctioned under ISA has any interest; (iii) with respect to section 6(a)(7) of ISA, to prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involved any interest of a person sanctioned under ISA; (iv) with respect to section 6(a)(8) of ISA, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of a person sanctioned under ISA, and to provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; (v) with respect to section 6(a)(9) of ISA, to prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a person sanctioned under ISA; (vi) with respect to section (6)(a)(11) of ISA, to impose on the principal executive officer or officers, or persons performing similar functions and with similar authorities, of a person sanctioned under ISA the sanctions described in (i) through (v) above and (vii) below, as selected by the Secretary of State; and (vii) with respect to section (6)(a)(12) of ISA, to restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from a person sanctioned under ISA.

The Secretary of State has imposed sanctions on the person listed below pursuant to section 5(a)(8) of ISA. *See* 78 FR 35351 (June 12, 2013), which provides the name of the entity subject to sanctions, as well as a complete list of the sanctions imposed. Accordingly, the Director of OFAC, acting pursuant to delegated authority, has taken action under E. O. 13628 to implement with respect to the entity listed below certain sanctions imposed by the Secretary of State pursuant to the following subsections of ISA: 6(a)(3), (6), (7), and (8).

On May 1, 2012, the President issued Executive Order 13608, ''Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Respect to Iran and Syria'' (''E.O. 13608''). Section 1(a)(ii) of E.O. 13608 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose on a foreign person certain measures upon determining that the foreign person has, *inter alia,* ''facilitated deceptive transactions for or on behalf of any person subject to United States sanctions concerning Iran or Syria.''

Section 7(d) of E.O. 13608 defines the term ''deceptive transaction'' to mean ''any transaction where the identity of any person subject to United States sanctions concerning Iran or Syria is withheld or obscured from other participants in the transaction or any relevant regulatory authorities.''

Section 1(b) of E.O. 13608 authorizes the Secretary of the Treasury to prohibit all transactions or dealings involving such persons sanctioned under E.O. 13608 in or related to any goods, services, or technology (i) in or intended for the United States, or (ii) provided by or to United States persons, wherever located. These prohibitions cover the aforementioned transactions or dealings, but do not require the blocking of property or interests in property of the person sanctioned pursuant to E.O. 13608.

On May 31, 2013, the Director of OFAC, acting pursuant to delegated authority, imposed sanctions on the entity listed below and prohibited all

transactions or dealings involving that entity, as described in Section 1(b) of E.O. 13608.

On June 3, 2013, the President issued Executive Order 13645 (''Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Freedom and Counter-Proliferation Act of 2012 and Additional Sanctions With Respect to Iran'') (''E.O. 13645''). Section 2 of E.O. 13645 blocks, with certain exceptions, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any foreign branch, of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to satisfy any of the criteria set forth in subsection (a)(i) or (a)(ii) of section 2.

On December 12, 2013, the Director of OFAC, acting pursuant to delegated authority, designated the entity listed below [1] as a person whose property and interests in property are blocked pursuant to section 2 of E.O. 13645.

Entity

1. FERLAND COMPANY LIMITED (a.k.a. FERLAND CO. LTD), 29 A Anna Komnini St., PO Box 2303, Nicosia, Cyprus; 5/7 Sabaneyev Most., Odessa, Ukraine [EO13645] [ISA] [FSE–IR].

The Director of OFAC has: (a) Blocked all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of the entity listed above; (b) prohibited any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the entity listed above; (c) prohibited U.S. financial institutions from making loans or providing credits totaling more than $10,000,000 over a 12-month period to the entity listed above; (d) prohibited any transactions in foreign exchange that are subject to the jurisdiction of the United States and which involve any interest of the entity listed above; and (e) prohibited all transactions or dealings involving the entity listed above in or related to any goods, services, or technology (i) in or intended for the United States, or (ii) provided by or to United States persons, wherever located. Ferland Company Limited has been added to both OFAC's List of Specially Designated Nationals and Blocked Persons and OFAC's List of Foreign Sanctions Evaders with the identifying tags ''EO13645'', ''ISA'', and ''FSE–IR.''

Dated: July 18, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–21220 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–AL–P

[1] In addition, on December 12, 2013, the Director of OFAC designated individual VITALY SOKOLENKO and entities MID OIL ASIA PTE. LTD., SINGA TANKERS PTE. LTD., and SIQIRIYA MARITIME CORP. pursuant to section 2 of E.O. 13645. Separate notices detailing OFAC's actions with respect to this individual and these entities are being published in today's **Federal Register**.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

OFAC Implementation of Certain Sanctions Imposed on JAM PETROCHEMICAL COMPANY and NIKSIMA FOOD AND BEVERAGE JLT Pursuant to Executive Order 13622 of July 30, 2012

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is providing notice of actions taken by OFAC to implement certain of the sanctions imposed on two entities by the Secretary of State pursuant to Executive Order 13622 of July 30, 2012, ''Authorizing Additional Sanctions With Respect to Iran.''

DATES: OFAC's actions described in this notice to implement the sanctions on JAM PETROCHEMICAL COMPANY and NIKSIMA FOOD AND BEVERAGE JLT were effective May 31, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance and Evaluation, 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.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service tel.: (202) 622–0077.

Background

On July 30, 2012, the President issued Executive Order 13622, ''Authorizing Additional Sanctions With Respect to Iran'' (''E.O. 13622''), under the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1601 *et seq.*). Section 2(a)(ii) of E.O. 13622 authorizes the Secretary of State to impose sanctions on a person he determines has knowingly engaged, on or after the effective date of E.O. 13622, in a significant transaction for the purchase or acquisition of petrochemical products from Iran.[1] Section 4 of E.O. 13622 requires the Secretary of the Treasury to implement certain of the sanctions imposed by the Secretary of State pursuant to section 2 of E.O. 13622.

The Secretary of the Treasury is responsible for implementing the following sanctions set forth in section 4 of E.O. 13622 and imposed by the Secretary of State pursuant to section 2 of E.O. 13622: (i) With respect to section 4(a)(i) of E.O. 13622, to prohibit any U.S. financial institution from making loans or providing credits to a person sanctioned under section 2 of E.O. 13622; (ii) with respect to section 4(a)(ii) of E.O. 13622, to prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a person sanctioned under section 2 of E.O. 13622 has any interest; (iii) with respect to section 4(a)(iii) of E.O. 13622, to prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involved any interest of a person sanctioned under section 2 of E.O. 13622; (iv) with respect to section 4(a)(iv) of E.O. 13622, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of a person sanctioned under section 2 of E.O. 13622, and to provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; and (v) with respect to section 4(a)(v) of E.O. 13622, to restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from a person sanctioned under section 2 of E.O. 13622.

[1] Section 16 of Executive Order 13645 of June 3, 2013, ''Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Freedom and Counter-Proliferation Act of 2012 and Additional Sanctions With Respect To Iran'' (''E.O. 13645'') amended section 2 of E.O. 13622 to clarify that the scope of sanctionable activity included significant transactions for the ''sale, transport, or marketing'' of petroleum, petroleum products, and petrochemicals. The Secretary of State's action with respect to the persons identified in this notice was undertaken prior to the issuance of E.O. 13645.

The Secretary of State has imposed sanctions on two entities pursuant to section 2 of E.O 13622. *See* 78 FR 35351 (June 12, 2013), which provides the names of the two entities subject to sanctions, as well as a complete list of the sanctions imposed on each entity. Accordingly, the Director of OFAC, acting pursuant to delegated authority, has taken the actions described below to implement certain sanctions imposed by the Secretary of State pursuant to section 2 of Executive Order 13622 with respect to the following persons:

1. JAM PETROCHEMICAL COMPANY, Pars Special Economic Zone, Assaluyeh, Boushehr Province, Iran [EO13622].
2. NIKSIMA FOOD AND BEVERAGE JLT, Dubai, United Arab Emirates [EO13622].

The Director of OFAC has: (a) Blocked all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of the two entities listed above; (b) prohibited any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the two entities listed above; and (c) prohibited any transactions in foreign exchange that are subject to the jurisdiction of the United States and involve any interest of the two entities listed above. Both entities have been added to OFAC's List of Specially Designated Nationals and Blocked Persons with the identifying tag ''EO13622.''

Dated: August 8, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–21217 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

OFAC Implementation of Certain Sanctions Imposed on Two Persons by the Secretary of State Pursuant to the Iran Sanctions Act of 1996, as Amended

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is providing notice of actions taken by OFAC to implement certain of the sanctions imposed on two persons by the Secretary of State pursuant to the Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note), as amended (''ISA'').

DATES: OFAC's actions described in this Notice to implement certain ISA sanctions on DIMITRIS CAMBIS and IMPIRE SHIPPING COMPANY were effective March 14, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance and Evaluation, 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.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service tel.: (202) 622–0077.

Background

The Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note), as amended (''ISA''), requires the Secretary of State, pursuant to authority delegated by the President, to impose or waive sanctions on persons determined to have engaged in certain investment or other activity in connection with Iran's petroleum or petrochemical sectors. Specifically, section 5(a)(8) of ISA requires the imposition of sanctions on certain persons that conceal the Iranian origin of crude oil and refined petroleum products. Executive Order 13628 of October 9, 2012, ''Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Threat Reduction and Syria Human Rights Act of 2012 and Additional Sanctions With Respect to Iran'' (''E.O. 13628''), requires the Secretary of the Treasury, pursuant to authority under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to implement certain sanctions set forth in section 6 of ISA when those sanctions are selected and imposed by the Secretary of State pursuant to ISA.

The Secretary of the Treasury is responsible for implementing the following sanctions described in section 6(a) of ISA: (i) With respect to section 6(a)(3) of ISA, to prohibit any U.S. financial institution from making loans or providing credits to a person sanctioned under ISA; (ii) with respect to section 6(a)(6) of ISA, to prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a person sanctioned under ISA has any interest; (iii) with respect to section 6(a)(7) of ISA, to prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involved any interest of a person sanctioned under ISA; (iv) with respect to section 6(a)(8) of ISA, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of a person sanctioned under ISA, and to provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; (v) with respect to section 6(a)(9) of ISA, to prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a person sanctioned under ISA; (vi) with respect to section 6(a)(11) of ISA, to impose on the principal executive officer or officers, or persons performing similar functions and with similar authorities, of a person sanctioned under ISA the sanctions described in (i) through (v) above and (vii) below, as selected by the Secretary of State; and (vii) with respect to section 6(a)(12) of ISA, to restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from a person sanctioned under ISA.

The Secretary of State has imposed sanctions on the persons listed below pursuant to section 5(a)(8) of ISA.[1] *See* 78 FR 21183 (April 9, 2013), which provides the name of the individual and entity subject to sanctions, as well as a complete list of the sanctions imposed. Accordingly, the Director of OFAC, acting pursuant to delegated authority, has taken action under E.O. 13628 to implement certain sanctions imposed by the Secretary of State pursuant to subsections 6(a)(6)–(8) of ISA with respect to the following individual:

1. CAMBIS, Dimitris (a.k.a. KAMPIS, Dimitrios Alexandros; a.k.a. ''KLIMT, Gustav''); DOB 14 Oct 1963 (individual) [IRAN] [ISA]

In addition, the Director of OFAC, acting pursuant to delegated authority, has taken action under E.O. 13628 to

[1] Separately, on March 14, 2013, the Director of OFAC identified Dimitris Cambis and Impire Shipping Company, among other persons, as meeting the definition of ''the Government of Iran'' pursuant to Executive Order 13599 of February 5, 2012, ''Blocking Property of the Government of Iran and Iranian Financial Institutions. *See* 78 FR 19075. As a result, the property and interests in property of these persons are blocked and they appear on OFAC's List of Specially Designated Nationals and Blocked Persons with the identifying tag ''IRAN.''

implement certain sanctions imposed by the Secretary of State pursuant to subsections 6(a)(7)–(8) of ISA with respect to the following entity:

1. IMPIRE SHIPPING COMPANY (a.k.a. IMPIRE SHIPPING; a.k.a. IMPIRE SHIPPING LIMITED), Greece [IRAN] [ISA]

The Director of OFAC has: (a) Blocked all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of the individual and the entity listed above; (b) prohibited any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the individual or the entity listed above; and (c) prohibited any transactions in foreign exchange that are subject to the jurisdiction of the United States and which involve any interest of the individual listed above. Dimitris Cambis and Impire Shipping Company have been added to OFAC's List of Specially Designated Nationals and Blocked Persons with the identifying tags ''[IRAN]'' and ''[ISA].''

Dated: August 8, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–21215 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Actions Taken Pursuant to Executive Order 13645

SUB–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 three entities whose property and interests in property are blocked pursuant to Executive Order 13645 of June 3, 2013, as well as the names of three vessels in which one of the entities has a property interest.

DATES: OFAC's actions pursuant to Executive Order 13645 described in this notice were effective December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

Additional information concerning OFAC is available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On June 3, 2013, the President issued Executive Order 13645 (''Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Freedom and Counter-Proliferation Act of 2012 and Additional Sanctions With Respect to Iran'') (''E.O. 13645''). Section 2 of E.O. 13645 blocks, with certain exceptions, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any foreign branch, of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to satisfy any of the criteria set forth in subsection (a)(i) or (a)(ii) of section 2.

On December 11, 2013, the Director of OFAC designated the following three entities [1] as persons whose property and interests in property are blocked pursuant to section 2 of E.O. 13645:

Entities

1. MID OIL ASIA PTE. LTD., Harbourfront Centre, 1 Maritime Square #09–09 099253, Singapore; Executive Order 13645 Determination—Material Support [EO13645]
2. SINGA TANKERS PTE. LTD., 89 Short Street Number 10–07, Golden Wall Centre 188216, Singapore; Executive Order 13645 Determination—Material Support [EO13645]
3. SIQIRIYA MARITIME CORP., Zen Towers, 111, Natividad Almeda-Lopez Street, Ermita, 1111, Manila, Philippines; Executive Order 13645 Determination—Material Support [EO13645]

In addition, on December 12, 2013, the Director of OFAC identified the following three vessels as blocked property of SIQIRIYA MARITIME CORP., an entity whose property and interests in property are blocked pursuant to E.O. 13645:

[1] In addition, on December 12, 2013, the Director of OFAC designated individual VITALY SOKOLENKO and entity FERLAND COMPANY LIMITED pursuant to section 2 of E.O. 13645. Separate notices detailing OFAC's actions with respect to this individual and entity are being published in today's **Federal Register**.

Vessels

1. ANTHEM Panama flag (Siqiriya Maritime Corp.); Vessel Registration Identification 8310669 (vessel) [EO13645]
2. JAFFNA Panama flag (Siqiriya Maritime Corp.); Vessel Registration Identification 8609515 (vessel) [EO13645]
3. OLYSA Panama flag (Siqiriya Maritime Corp.); Vessel Registration Identification 9001605 (vessel) [EO13645]

The entities and vessels named above have been added to OFAC's List of Specially Designated Nationals and Blocked Persons with the identifying tag ''EO13645.''

Dated: August 8, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–21169 Filed 9–4–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0463]

Agency Information Collection (Notice of Waiver of VA Compensation or Pension To Receive Military Pay and Allowances) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, VA.

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 October 6, 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. 2900–0463'' 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. 2900–0463.''

SUPPLEMENTARY INFORMATION:

Title: Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances, VA Form 21–8951 and VA Form 21–8951–2.

OMB Control Number: 2900–0463.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants who wish to waive VA disability benefits in order to receive active or inactive duty training pay are required to complete VA Forms 21–8951 and 21–8951–2. Active and inactive duty training pay cannot be paid concurrently with VA disability compensation or pension benefits. Claimants who elect to keep training pay must waive VA benefits for the number of days equal to the number of days in which they received training pay.

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 12, 2014, at pages 33806 and 33807.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,500 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Annually

Estimated Number of Respondents: 21,000.

Dated: September 2, 2014.

By direction of the Secretary:

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–21150 Filed 9–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0710]

Agency Information Collection (VSO Access to VHA Electronic Health Records)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Under OMB review.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 6, 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 send through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0710'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0710'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: VSO Access to VHA Electronic Health Records.

OMB Control Number: 2900–0710.

Type of Review: Revision of a currently approved collection.

Abstract: The information is being used to establish VA Veterans Health Information Systems Technology Architecture (VistA) computer accounts for Veteran Service Officers (VSO's) who have been granted Power of Attorney by veterans who have medical information recorded in VA electronic health records. This information is collected under the authority of Title 38, CFR Parts 51 and 52, Veterans Benefits.

The information will be used by VHA Office of Health Information Governance and/or contractors to create accounts in the VistA computer system for VSO's. The information collected is used for a national roll-out of a project targeted at providing more efficient benefits processing services to veterans. The VistA system requires a minimal set of data to create an account, which has been reflected on the form. After the initial roll-out, the burden to the government will be minimal, only involving VSO staff turnover.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 17 hours.

Estimated Average Burden per Respondent: 2 minutes.

Frequency of Response: Yearly.

Estimated Number of Respondents: 500.

Dated: September 2, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–21153 Filed 9–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0710]

Agency Information Collection (VSO Access to VHA Electronic Health Records)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Under OMB Review.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and

includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 6, 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. 2900–0710'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0710'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: VSO Access to VHA Electronic Health Records.

OMB Control Number: 2900–0710.

Type of Review: Revision of a currently approved collection.

Abstract: The information is being used to establish VA Veterans Health Information Systems Technology Architecture (VistA) computer accounts for Veteran Service Officers (VSO's) who have been granted Power Of Attorney by veterans who have medical information recorded in VA electronic health records. This information is collected under the authority of Title 38, CFR parts 51 and 52, Veterans Benefits.

The information will be used by VHA Office of Health Information Governance and/or contractors to create accounts in the VistA computer system for VSO's. The information collected is used for a national roll-out of a project targeted at providing more efficient benefits processing services to veterans. The VistA system requires a minimal set of data to create an account, which has been reflected on the form. After the initial roll-out, the burden to the government will be minimal, only involving VSO staff turnover.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 17 hours.

Estimated Average Burden per Respondent: 2 minutes.

Frequency of Response: Yearly.

Estimated Number of Respondents: 500.

Dated: September 2, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–21143 Filed 9–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0661]

Agency Information Collection (Grants to States for Construction & Acquisition of State Home Facilities)

ACTIVITY: Under OMB Review.

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 6, 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. 2900–0661'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0661'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

SUPPLEMENTARY INFORMATION:

Title: Forms for Grants to States for Construction and Acquisition of State Home Facilities, VA Forms 10–0388–1, 10–0388–2, 10–0388–3, 10–0388–4, 10–0388–5, 10–0388–6, 10–0388–7, 10–0388–8, 10–0388–9, 10–0388–10, 10–0388–12, 10–0388–13.

OMB Control Number: 2900–0661.

Type of Review: Revision of a currently approved collection.

Abstract: State governments complete VA Forms 10–0388–1, 10–0388–2, 10–0388–3, 10–0388–4, 10–0388–5, 10–0388–6, 10–0388–7, 10–0388–8, 10–0388–9, 10–0388–10, 10–0388–12, and 10–0388–13, to apply for State Home Construction Grant Program and to certify compliance with VA requirements. VA uses this information, along with other documents submitted by States, to determine the feasibility of

the projects for VA participation to determine eligibility for a grant award.

Affected Public: State, Local, or Tribal Governments.

Estimated Total Annual Burden: 1,200 hours.

Estimated Average Burden per Respondent: 24 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50.

Dated: September 2, 2014.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–21152 Filed 9–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0629]

Agency Information Collection (Application for Extended Care Services, VA Form 10–10EC); Activity: Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 6, 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. 2900–0629'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0629'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Extended Care Services, VA Form 10–10EC.

OMB Control Number: 2900–0629.

Type of Review: Revision of a currently approved collection.

Abstract: Title 38 U.S.C. Chapter 17 authorizes VA to provide hospital care, medical services, domiciliary care and nursing home care to eligible Veterans. Title 38 U.S.C. 1705 requires VA to design, establish and operate a system of annual patient enrollment in accordance with a series of stipulated priorities. A consequence of this is that many groups of Veterans who are in a lower priority group may request that they be allowed to be income tested in order to gain a higher priority. Title 38 U.S.C. 1722 establishes eligibility assessment procedures for cost-free VA medical care, based on income levels, which will determine whether nonservice-connected and 0% service-connected noncompensable Veterans are able to defray the necessary expenses of care for nonservice-connected conditions. Title 38 U.S.C. 1722A establishes the eligibility assessment procedures, based on income levels, for determining Veterans' eligibility for cost-free medications and Title 38 U.S.C. 1710B defines the procedures for establishing eligibility for cost-free Extended Care benefits. Title 38 U.S.C. 1729 authorizes VA to recover from Veterans' health insurance carriers the cost of care furnished for their nonservice-connected conditions.

VA Form 10–10EC, Application for Extended Care Services, is used to collect financial information necessary to determine a Veteran's copayment obligation for extended care services, also known as long term care (LTC). VA Form 10–10EC, Application for Extended Care Services collects information to establish eligibility for extended care benefits, establishes financial liability Veteran to pay if accepted for placement in Extended Care Services, and establishes veteran has agreed to make any applicable copayment.

Affected Public: Individuals or Households.

Estimated Total Annual Burden: 3,000 hours.

Estimated Average Burden per Respondent: 90 minutes.

Frequency of Response: Yearly.

Estimated Number of Respondents: 2,000.

Dated: September 2, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–21151 Filed 9–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0629]

Agency Information Collection (Application for Extended Care Services, VA Form 10–10EC); Activity: Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 6, 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. 2900–0629'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0629'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Extended Care Services, VA Form 10–10EC.

OMB Control Number: 2900–0629.

Type of Review: Revision of a currently approved collection.

Abstract: Title 38 U.S.C. Chapter 17 authorizes VA to provide hospital care, medical services, domiciliary care and nursing home care to eligible Veterans. Title 38 U.S.C. 1705 requires VA to design, establish and operate a system of annual patient enrollment in accordance with a series of stipulated priorities. A consequence of this is that many groups of Veterans who are in a lower priority group may request that they be allowed to be income tested in order to gain a higher priority. Title 38 U.S.C. 1722 establishes eligibility assessment procedures for cost-free VA medical care, based on income levels, which will determine whether nonservice-connected and 0% service-connected noncompensable Veterans are able to defray the necessary expenses of care for nonservice-connected conditions. Title 38 U.S.C. 1722A establishes the eligibility assessment procedures, based on income levels, for determining Veterans' eligibility for cost-free medications and Title 38 U.S.C. 1710B defines the procedures for establishing eligibility for cost-free Extended Care benefits. Title 38 U.S.C. 1729 authorizes VA to recover from Veterans' health insurance carriers the cost of care furnished for their nonservice-connected conditions.

VA Form 10–10EC, Application for Extended Care Services, is used to collect financial information necessary to determine a Veteran's copayment obligation for extended care services, also known as long term care (LTC). VA Form 10–10EC, Application for Extended Care Services collects information to establish eligibility for extended care benefits, establishes financial liability Veteran to pay if accepted for placement in Extended Care Services, and establishes veteran has agreed to make any applicable copayment.

Affected Public: Individuals or Households.

Estimated Total Annual Burden: 3,000 hours.

Estimated Average Burden per Respondent: 90 minutes.

Frequency of Response: Yearly.

Estimated Number of Respondents: 2,000.

Dated: September 2, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–21148 Filed 9–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0094]

Agency Information Collection (Supplement to VA Forms 21–526, 21–534, and 21–535 (for Philippine Claims) (VA Form 21–4169) 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 October 6, 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. 2900–0094'' 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. 2900–0094.''

SUPPLEMENTARY INFORMATION:

Title: Supplement to VA Forms 21–526, 21–534, and 21–535 (for Philippine Claims), VA Form 21–4169.

OMB Control Number: 2900–0094.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–4169 is used to collect certain applicants' service information, place of residence, proof of service, and whether the applicant was a member of pro-Japanese, pro-German, or anti-American Filipino organizations. VA uses the information collected to determine the applicant's eligibility for benefits based on Commonwealth Army of the Philippines or recognized guerrilla services.

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 12, 2014, at page 33812–33813.

Affected Public: Individuals or households.

Estimated Annual Burden: 250 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 1,000.

Dated: September 2, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–21149 Filed 9–4–14; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 79 Friday,
No. 172 September 5, 2014

Part II

Department of the Interior

Fish and Wildlife Service
50 CFR Part 92
Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2015 Season; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2014–0036; FF09M21200–145–FXMB1231099BPP0]

RIN 1018–BA48

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2015 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is proposing migratory bird subsistence harvest regulations in Alaska for the 2015 season. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. The rulemaking is necessary because the regulations governing the subsistence harvest of migratory birds in Alaska are subject to annual review. This rulemaking proposes region-specific regulations that would go into effect on April 2, 2015, and expire on August 31, 2015.

DATES: We will accept comments received or postmarked on or before November 4, 2014. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by October 20, 2014.

ADDRESSES: You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to Docket No. FWS–R7–MB–2014–0036.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–R7–MB–2014–0036; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 5275 Leesburg Place, MS: BPHC; Falls Church, VA 22041–3803.

We will not accept email or faxes. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comment Procedures section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Donna Dewhurst, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 786–3499.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

To ensure that any action resulting from this proposed rule will be as accurate and as effective as possible, we request that you send relevant information for our consideration. The comments that will be most useful and likely to influence our decisions are those that you support by quantitative information or studies and those that include citations to, and analyses of, the applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

You must submit your comments and materials concerning this proposed rule by one of the methods listed above in the **ADDRESSES** section. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES.** If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information, such as your address, telephone number, or email address—will be posted on the Web site. When you submit a comment, the system receives it immediately. However, the comment will not be publicly viewable until we post it, which might not occur until several days after submission.

If you mail or hand-carry a hardcopy comment directly to us that includes personal information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. To ensure that the electronic docket for this rulemaking is complete and all comments we receive are publicly available, we will post all hardcopy comments on *http://www.regulations.gov.*

In addition, comments and materials we receive, as well as supporting documentation used in preparing this proposed rule, will be available for public inspection in two ways:

(1) You can view them on *http://www.regulations.gov.* Search for FWS–R7–MB–2014–0036, which is the docket number for this rulemaking.

(2) You can make an appointment, during normal business hours, to view the comments and materials in person at the Division of Migratory Bird Management, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Public Availability of Comments

As stated above in more detail, 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.

Why is this rulemaking necessary?

This rulemaking is necessary because, by law, the migratory bird harvest season is closed unless opened by the Secretary of the Interior, and the regulations governing subsistence harvest of migratory birds in Alaska are subject to public review and annual approval. This rule proposes regulations for the taking of migratory birds for subsistence uses in Alaska during the spring and summer of 2015. This rule also sets forth a list of migratory bird season openings and closures in Alaska by region.

How do I find the history of these regulations?

Background information, including past events leading to this rulemaking, accomplishments since the Migratory Bird Treaties with Canada and Mexico were amended, and a history, were originally addressed in the **Federal Register** on August 16, 2002 (67 FR 53511) and most recently on April 8, 2014 (79 FR 19454).

Recent **Federal Register** documents, all final rules setting forth the annual harvest regulations, are available at *http://www.fws.gov/alaska/ambcc/regulations.htm* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

What is the process for issuing regulations for the subsistence harvest of migratory birds in Alaska?

The U.S. Fish and Wildlife Service (Service or we) is proposing migratory bird subsistence harvest regulations in Alaska for the 2015 season. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the

Alaska Department of Fish and Game, and Alaska Native representatives.

We opened the process to establish regulations for the 2015 spring and summer subsistence harvest of migratory birds in Alaska in a proposed rule published in the **Federal Register** on April 30, 2014 (79 FR 24512), to amend 50 CFR part 20. While that proposed rule primarily addressed the regulatory process for hunting migratory birds for all purposes throughout the United States, we also discussed the background and history of Alaska subsistence regulations, explained the annual process for their establishment, and requested proposals for the 2015 season. The rulemaking processes for both types of migratory bird harvest are related, and the April 30, 2014, proposed rule explained the connection between the two.

The Alaska Migratory Bird Co-management Council (Co-management Council) held meetings on April 10–11, 2014, to develop recommendations for changes that would take effect during the 2015 harvest season. No changes were recommended, and this was presented first to the Pacific Flyway Council and then to the Service Regulations Committee (SRC) for approval at the committee's meeting on July 30, 2014.

Who is eligible to hunt under these regulations?

Eligibility to harvest under the regulations established in 2003 was limited to permanent residents, regardless of race, in villages located within the Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, and in areas north and west of the Alaska Range (50 CFR 92.5). These geographical restrictions opened the initial migratory bird subsistence harvest to about 13 percent of Alaska residents. High-populated, roaded areas such as Anchorage, the Matanuska-Susitna and Fairbanks North Star boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, and Southeast Alaska were excluded from eligible subsistence harvest areas.

Based on petitions requesting inclusion in the harvest in 2004, we added 13 additional communities based on criteria set forth in 50 CFR 92.5(c). These communities were Gulkana, Gakona, Tazlina, Copper Center, Mentasta Lake, Chitina, Chistochina, Tatitlek, Chenega, Port Graham, Nanwalek, Tyonek, and Hoonah, with a combined population of 2,766. In 2005, we added three additional communities for glaucous-winged gull egg gathering only, based on petitions requesting inclusion. These southeastern communities were Craig, Hydaburg, and Yakutat, with a combined population of 2,459, based on the latest census information at that time.

In 2007, we enacted the Alaska Department of Fish and Game's request to expand the Fairbanks North Star Borough excluded area to include the Central Interior area. This action excluded the following communities from participation in this harvest: Big Delta/Fort Greely, Healy, McKinley Park/Village, and Ferry, with a combined population of 2,812.

In 2012, we received a request from the Native Village of Eyak to include Cordova, Alaska, for a limited season that would legalize the traditional gathering of gull eggs and the hunting of waterfowl during spring. This request resulted in a new, limited harvest of spring waterfowl and gull eggs starting in 2014.

What is different in the region-specific regulations for 2015?

There are no changes from the 2014 regulations.

How will the service ensure that the subsistence harvest will not raise overall migratory bird harvest or threaten the conservation of endangered and threatened species?

We have monitored subsistence harvest for the past 25 years through the use of household surveys in the most heavily used subsistence harvest areas, such as the Yukon-Kuskokwim Delta. In recent years, more intensive surveys combined with outreach efforts focused on species identification have been added to improve the accuracy of information gathered from regions still reporting some subsistence harvest of listed or candidate species.

Spectacled and Steller's Eiders

Spectacled eiders *(Somateria fischeri)* and the Alaska-breeding population of Steller's eiders *(Polysticta stelleri)* are listed as threatened species. Their migration and breeding distribution overlap with areas where the spring and summer subsistence migratory bird hunt is open in Alaska. Both species are closed to hunting, although harvest surveys and Service documentation indicate both species have been taken in several regions of Alaska.

The Service has dual objectives and responsibilities for authorizing a subsistence harvest while protecting migratory birds and threatened species. Although these objectives continue to be challenging, they are not irreconcilable, provided that regulations continue to protect threatened species, measures to address documented threats are implemented, and the subsistence community and other conservation partners commit to working together. With these dual objectives in mind, the Service, working with North Slope partners, developed measures in 2009, to further reduce the potential for shooting mortality or injury of closed species. These conservation measures included: (1) Increased waterfowl hunter outreach and community awareness through partnering with the North Slope Migratory Bird Task Force; and (2) continued enforcement of the migratory bird regulations that are protective of listed eiders.

This proposed rule continues to focus on the North Slope from Barrow to Point Hope because Steller's eiders from the listed Alaska breeding population are known to breed and migrate there. These regulations are designed to address several ongoing eider management needs by clarifying for subsistence users that (1) Service law enforcement personnel have authority to verify species of birds possessed by hunters, and (2) it is illegal to possess any species of bird closed to harvest. This rule also describes how the Service's existing authority of emergency closure will be implemented, if necessary, to protect Steller's eiders. We are always willing to discuss regulations with our partners on the North Slope to ensure protection of closed species as well as provide subsistence hunters an opportunity to harvest migratory birds in a way that maintains the culture and traditional harvest of the community. The regulations pertaining to bag checks and possession of illegal birds are deemed necessary to verify that no closed eider species are taken during the legal subsistence hunt.

The Service is aware of and appreciates the considerable efforts by North Slope partners to raise awareness and educate hunters on Steller's eider conservation via the bird fair, meetings, radio shows, signs, school visits, and one-on-one contacts. We also recognize that no listed eiders have been documented shot from 2009 through 2012, even though Steller's eiders nested in the Barrow area during that time. One Steller's eider and one spectacled eider were found shot during the summer of 2013; both incidents were investigated by the Service. No listed eiders were found or reported shot in 2014. The Service acknowledges progress made with the other eider conservation measures including partnering with the North Slope Migratory Bird Task Force for increased waterfowl hunter awareness, continued enforcement of the regulations, and in-

season verification of the harvest. To reduce the threat of shooting mortality of threatened eiders, we continue to work with North Slope partners to conduct education and outreach. In addition, the emergency closure authority provides another level of assurance if an unexpected number of Steller's eiders are killed by shooting (50 CFR 92.21 and 50 CFR 92.32).

In-season harvest monitoring information will be used to evaluate the efficacy of regulations, conservation measures, and outreach efforts. Conservation measures are being continued by the Service, with the amount of effort and emphasis being based on regulatory adherence. Specifically, local communities have continued to develop greater responsibility for taking actions to ensure Steller's and spectacled eider conservation and recovery.

The longstanding general emergency closure provision at 50 CFR 92.21 specifies that the harvest may be closed or temporarily suspended upon finding that a continuation of the regulation allowing the harvest would pose an imminent threat to the conservation of any migratory bird population. With regard to Steller's eiders, the regulation at 50 CFR 92.32, carried over from the past 5 years, clarifies that we will take action under 50 CFR 92.21 as is necessary to prevent further take of Steller's eiders, and that action could include temporary or long-term closures of the harvest in all or a portion of the geographic area open to harvest. If mortality of threatened eiders occurs, we will evaluate each mortality event by criteria such as cause, quantity, sex, age, location, and date. We will consult with the Co-management Council when we are considering an emergency closure. If we determine that an emergency closure is necessary, we will design it to minimize its impact on the subsistence harvest.

Yellow-Billed Loon

Yellow-billed loons (*Gavia adamsii*) are a candidate species for listing under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Their migration and breeding distribution overlaps the spring and summer migratory bird hunt in Alaska. Yellow-billed loons are closed to hunting, but harvest surveys have indicated that on the North Slope and St. Lawrence Island some take does occur. Most of the yellow-billed loons taken on the North Slope were found to be entangled loons salvaged from subsistence fishing nets as described below. The Service will continue outreach efforts in both areas in 2015, engaging partners to decrease the take of yellow-billed loons.

Consistent with the request of the North Slope Borough Fish and Game Management Committee and the recommendation of the Co-management Council, this rule continues the provisions originally established in 2005, to allow subsistence use of yellow-billed loons inadvertently entangled in subsistence fishing (gill) nets on the North Slope. Yellow-billed loons are culturally important to the Inupiat Eskimo of the North Slope for use in traditional dance regalia. A maximum of 20 yellow-billed loons will be allowed to be kept if found entangled in fishing nets in 2015, under this provision. This provision does not authorize intentional harvest of yellow-billed loons, but allows use of those loons inadvertently entangled during normal subsistence fishing activities.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act (16 U.S.C. 1536) requires the Secretary of the Interior to ''review other programs administered by her and utilize such programs in furtherance of the purposes of the Act'' and to ''insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. . . .'' Prior to issuance of annual spring and summer subsistence regulations, we would consult under section 7 of the Endangered Species Act of 1973, as amended (Act), to ensure that the 2015 subsistence harvest is not likely to jeopardize the continued existence of any species designated as endangered or threatened, or modify or destroy its critical habitats, and that the regulations are consistent with conservation programs for those species. Consultation under section 7 of the Act for the annual subsistence take regulations may cause us to change these regulations. Our biological opinion resulting from the section 7 consultation is a public document that will be available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Statutory Authority

We derive our authority to issue these regulations from the Migratory Bird Treaty Act of 1918, at 16 U.S.C. 712(1), which authorizes the Secretary of the Interior, in accordance with the treaties with Canada, Mexico, Japan, and Russia, to ''issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.''

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Department of the Interior certifies that, if adopted, this rule will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. This proposed rule would legalize a pre-existing subsistence activity, and the resources harvested will be consumed.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Would not have an annual effect on the economy of $100 million or more. It would legalize and regulate a traditional subsistence activity. It would not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns. The commodities that would be regulated

under this proposed rule are migratory birds. This rule deals with legalizing the subsistence harvest of migratory birds and, as such, does not involve commodities traded in the marketplace. A small economic benefit from this proposed rule would derive from the sale of equipment and ammunition to carry out subsistence hunting. Most, if not all, businesses that sell hunting equipment in rural Alaska qualify as small businesses. We have no reason to believe that this proposed rule would lead to a disproportionate distribution of benefits.

(b) Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This proposed rule does not deal with traded commodities and, therefore, does not have an impact on prices for consumers.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule deals with the harvesting of wildlife for personal consumption. It does not regulate the marketplace in any way to generate effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) that this proposed rule would not impose a cost of $100 million or more in any given year on local, State, or tribal governments or private entities. The proposed rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required. Participation on regional management bodies and the Co-management Council requires travel expenses for some Alaska Native organizations and local governments. In addition, they assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than $300,000 per year. In a notice of decision (65 FR 16405; March 28, 2000), we identified 7 to 12 partner organizations (Alaska Native nonprofits and local governments) to administer the regional programs. The Alaska Department of Fish and Game also incurs expenses for travel to Co-management Council and regional management body meetings. In addition, the State of Alaska will be required to provide technical staff support to each of the regional management bodies and to the Co-management Council. Expenses for the State's involvement may exceed $100,000 per year, but should not exceed $150,000 per year. When funding permits, we make annual grant agreements available to the partner organizations and the Alaska Department of Fish and Game to help offset their expenses.

Takings (Executive Order 12630)

Under the criteria in Executive Order 12630, this proposed rule would not have significant takings implications. This proposed rule is not specific to particular land ownership, but applies to the harvesting of migratory bird resources throughout Alaska. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. We discuss effects of this proposed rule on the State of Alaska in the Unfunded Mandates Reform Act section above. We worked with the State of Alaska to develop these proposed regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this proposed rule, has determined that it will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Government-to-Government Relations With Native American Tribal Governments

Consistent with Executive Order 13175 (65 FR 67249; November 6, 2000), ''Consultation and Coordination with Indian Tribal Governments'', and Department of Interior policy on Consultation with Indian Tribes (December 1, 2011), we will send letters to all 229 Alaska Federally recognized Indian tribes. Consistent with Congressional direction (Pub. L. 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Pub. L. 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267), we will be sending letters to approximately 200 Alaska Native corporations and other tribal entities in Alaska soliciting their input as to whether or not they would like the Service to consult with them on the 2015 migratory bird subsistence harvest regulations.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They develop recommendations for, among other things: Seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, and habitat protection. The management bodies involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we required each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet twice annually to review and/or submit proposals to the Statewide body.

Paperwork Reduction Act

This proposed rule has been examined under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and does not contain any new collections of information that require Office of Management and Budget (OMB) approval. OMB has renewed our collection of information associated with the voluntary annual household surveys used to determine levels of subsistence take. The OMB control number is 1018–0124, which expires June 30, 2016. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.) Consideration

The annual regulations and options are considered in a September 2014 environmental assessment, ''Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2015 Spring/Summer Harvest.'' Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT** or at *http://www.regulations.gov.*

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This is not a significant regulatory action under this Executive Order; it would allow only for traditional subsistence harvest and improve conservation of migratory birds by allowing effective regulation of this harvest. Further, this proposed rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action under Executive Order 13211, and a Statement of Energy Effects is not required.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, we propose to amend title 50, chapter I, subchapter G, of the Code of Federal Regulations as follows:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

■ 1. The authority citation for part 92 continues to read as follows:

Authority: 16 U.S.C. 703–712.

Subpart D—Annual Regulations Governing Subsistence Harvest

■ 2. Amend subpart D by adding § 92.31 to read as follows:

§ 92.31 Region-specific regulations.

The 2015 season dates for the eligible subsistence harvest areas are as follows:

(a) *Aleutian/Pribilof Islands Region.*

(1) Northern Unit (Pribilof Islands):

(i) Season: April 2–June 30.

(ii) Closure: July 1–August 31.

(2) Central Unit (Aleutian Region's eastern boundary on the Alaska Peninsula westward to and including Unalaska Island):

(i) Season: April 2–June 15 and July 16–August 31.

(ii) Closure: June 16–July 15.

(iii) Special Black Brant Season Closure: August 16–August 31, only in Izembek and Moffet lagoons.

(iv) Special Tundra Swan Closure: All hunting and egg gathering closed in Game Management Units 9(D) and 10.

(3) Western Unit (Umnak Island west to and including Attu Island):

(i) Season: April 2–July 15 and August 16–August 31.

(ii) Closure: July 16–August 15.

(b) *Yukon/Kuskokwim Delta Region.*

(1) Season: April 2–August 31.

(2) Closure: 30-day closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. This 30-day period will occur between June 1 and August 15 of each year. A press release announcing the actual closure dates will be forwarded to regional newspapers and radio and television stations.

(3) Special Black Brant and Cackling Goose Season Hunting Closure: From the period when egg laying begins until young birds are fledged. Closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. A press release announcing the actual closure dates will be forwarded to regional newspapers and radio and television stations.

(c) *Bristol Bay Region.*

(1) Season: April 2–June 14 and July 16–August 31 (general season); April 2–July 15 for seabird egg gathering only.

(2) Closure: June 15–July 15 (general season); July 16–August 31 (seabird egg gathering).

(d) *Bering Strait/Norton Sound Region.*

(1) Stebbins/St. Michael Area (Point Romanof to Canal Point):

(i) Season: April 15–June 14 and July 16–August 31.

(ii) Closure: June 15–July 15.

(2) Remainder of the region:

(i) Season: April 2–June 14 and July 16–August 31 for waterfowl; April 2–July 19 and August 21–August 31 for all other birds.

(ii) Closure: June 15–July 15 for waterfowl; July 20–August 20 for all other birds.

(e) *Kodiak Archipelago Region,* except for the Kodiak Island roaded area, which is closed to the harvesting of migratory birds and their eggs. The closed area consists of all lands and waters (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest.

(1) Season: April 2–June 30 and July 31–August 31 for seabirds; April 2–June 20 and July 22–August 31 for all other birds.

(2) Closure: July 1–July 30 for seabirds; June 21–July 21 for all other birds.

(f) *Northwest Arctic Region.*

(1) Season: April 2–June 9 and August 15–August 31 (hunting in general); waterfowl egg gathering May 20–June 9 only; seabird egg gathering May 20–July 12 only; hunting molting/non-nesting waterfowl July 1–July 31 only.

(2) Closure: June 10–August 14, except for the taking of seabird eggs and molting/non-nesting waterfowl as provided in paragraph (f)(1) of this section.

(g) *North Slope Region.*

(1) Southern Unit (Southwestern North Slope regional boundary east to Peard Bay, everything west of the longitude line 158°30′ W and south of the latitude line 70°45′ N to the west bank of the Ikpikpuk River, and everything south of the latitude line 69°45′ N between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 2–June 29 and July 30–August 31 for seabirds; April 2–June 19 and July 20–August 31 for all other birds.

(ii) Closure: June 30–July 29 for seabirds; June 20–July 19 for all other birds.

(iii) Special Black Brant Hunting Opening: From June 20–July 5. The open area consists of the coastline, from mean high water line outward to include open water, from Nokotlek Point east to longitude line 158°30′ W. This includes Peard Bay, Kugrua Bay, and Wainwright Inlet, but not the Kuk and Kugrua river drainages.

(2) Northern Unit (At Peard Bay, everything east of the longitude line 158°30′ W and north of the latitude line 70°45′ N to west bank of the Ikpikpuk River, and everything north of the latitude line 69°45′ N between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 2–June 6 and July 7–August 31 for king and common eiders; April 2–June 15 and July 16–August 31 for all other birds.

(ii) Closure: June 7–July 6 for king and common eiders; June 16–July 15 for all other birds.

(3) Eastern Unit (East of eastern bank of the Sagavanirktok River):

(i) Season: April 2–June 19 and July 20–August 31.

(ii) Closure: June 20–July 19.

(4) All Units: Yellow-billed loons. Annually, up to 20 yellow-billed loons total for the region inadvertently entangled in subsistence fishing nets in the North Slope Region may be kept for subsistence use.

(5) North Coastal Zone (Cape Thompson north to Point Hope and east along the Arctic Ocean coastline around Point Barrow to Ross Point, including Iko Bay, and 5 miles inland).

(i) No person may at any time, by any means, or in any manner, possess or have in custody any migratory bird or part thereof, taken in violation of subpart C and D of this part.

(ii) Upon request from a Service law enforcement officer, hunters taking, attempting to take, or transporting migratory birds taken during the subsistence harvest season must present them to the officer for species identification.

(h) *Interior Region.*

(1) Season: April 2–June 14 and July 16–August 31; egg gathering May 1–June 14 only.

(2) Closure: June 15–July 15.

(i) *Upper Copper River Region* (Harvest Area: Game Management Units 11 and 13) (Eligible communities: Gulkana, Chitina, Tazlina, Copper Center, Gakona, Mentasta Lake, Chistochina and Cantwell).

(1) Season: April 15–May 26 and June 27–August 31.

(2) Closure: May 27–June 26.

(3) The Copper River Basin communities listed above also documented traditional use harvesting birds in Game Management Unit 12, making them eligible to hunt in this unit using the seasons specified in paragraph (h) of this section.

(j) *Gulf of Alaska Region.*

(1) Prince William Sound Area West (Harvest area: Game Management Unit 6[D]), (Eligible Chugach communities: Chenega Bay, Tatitlek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(2) Prince William Sound Area East (Harvest area: Game Management Units 6[B] and [C]–Barrier Islands between Strawberry Channel and Softtuk Bar), (Eligible Chugach communities: Cordova):

(i) Season: April 2–April 30 (hunting); May 1–May 31 (gull egg gathering).

(ii) Closure: May 1–August 31 (hunting); April 2–30 and June 1–August 31 (gull egg gathering).

(iii) Species Open for Hunting: Greater white-fronted goose; snow goose; gadwall; Eurasian and American wigeon; blue-winged and green-winged teal; mallard; northern shoveler; northern pintail; canvasback; redhead; ring-necked duck; greater and lesser scaup; king and common eider; harlequin duck; surf, white-winged, and black scoter; long-tailed duck; bufflehead; common and Barrow's goldeneye; hooded, common, and red-breasted merganser; and sandhill crane. Species open for egg gathering: Glaucous-winged, herring, and mew gulls.

(iv) Use of Boats/All-Terrain Vehicles: No hunting from motorized vehicles or any form of watercraft.

(v) Special Registration: All hunters or egg gatherers must possess an annual permit, which is available from the Cordova offices of the Native Village of Eyak and the U.S. Forest Service.

(3) Kachemak Bay Area (Harvest area: Game Management Unit 15[C] South of a line connecting the tip of Homer Spit to the mouth of Fox River) (Eligible Chugach Communities: Port Graham, Nanwalek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(k) *Cook Inlet* (Harvest area: Portions of Game Management Unit 16[B] as specified below) (Eligible communities: Tyonek only):

(1) Season: April 2–May 31—That portion of Game Management Unit 16(B) south of the Skwentna River and west of the Yentna River, and August 1–31—That portion of Game Management Unit 16(B) south of the Beluga River, Beluga Lake, and the Triumvirate Glacier.

(2) Closure: June 1–July 31.

(l) *Southeast Alaska.*

(1) Community of Hoonah (Harvest area: National Forest lands in Icy Strait and Cross Sound, including Middle Pass Rock near the Inian Islands, Table Rock in Cross Sound, and other traditional locations on the coast of Yakobi Island. The land and waters of Glacier Bay National Park remain closed to all subsistence harvesting (50 CFR part 100.3(a)):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(2) Communities of Craig and Hydaburg (Harvest area: Small islands and adjacent shoreline of western Prince of Wales Island from Point Baker to Cape Chacon, but also including Coronation and Warren islands):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(3) Community of Yakutat (Harvest area: Icy Bay (Icy Cape to Point Riou), and coastal lands and islands bordering the Gulf of Alaska from Point Manby southeast to and including Dry Bay):

(i) Season: Glaucous-winged gull egg gathering: May 15–June 30.

(ii) Closure: July 1–August 31.

■ 3. Amend subpart D by adding § 92.32 to read as follows:

§ 92.32 Emergency regulations to protect Steller's eiders.

Upon finding that continuation of these subsistence regulations would pose an imminent threat to the conservation of threatened Steller's eiders *(Polysticta stelleri)*, the U.S. Fish and Wildlife Service Alaska Regional Director, in consultation with the Co-management Council, will immediately under § 92.21 take action as is necessary to prevent further take. Regulation changes implemented could range from a temporary closure of duck hunting in a small geographic area to large-scale regional or Statewide long-term closures of all subsistence migratory bird hunting. These closures or temporary suspensions will remain in effect until the Regional Director, in consultation with the Co-management Council, determines that the potential for additional Steller's eiders to be taken no longer exists.

Dated: August 25, 2014.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–21195 Filed 9–4–14; 8:45 am]

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