



# FEDERAL REGISTER

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Vol. 80

Wednesday,

No. 9

January 14, 2015

Pages 1847–1996

OFFICE OF THE FEDERAL REGISTER



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# Rules and Regulations

Federal Register

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## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1494

RIN 0551-AA75

#### Export Bonus Programs

**AGENCY:** Foreign Agricultural Service and Commodity Credit Corporation (CCC), USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes regulations for the Export Enhancement Program (EEP) and the Dairy Export Incentive Program (DEIP) from the Code of Federal Regulations, because the authorities for these programs were repealed by Section 3103 of the Food, Conservation, and Energy Act of 2008, Public Law 110-246, and Section 1423 of the Agricultural Act of 2014, Public Law 113-79, respectively.

**DATES:** This rule is effective January 14, 2015.

**FOR FURTHER INFORMATION CONTACT:** Amy Slusher, Deputy Director, Credit Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Stop 1025, Room 5509, Washington, DC 20250-1025; telephone (202) 720-6211.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Export Enhancement Program (EEP) was enacted through the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624). Under the EEP, CCC made available bonuses to enable U.S. exporters to meet prevailing world prices for targeted commodities in targeted destinations. The last year of operation of the EEP was 2001; since that time, U.S. agricultural products have been competitive in world markets and EEP bonuses have not been needed to facilitate sales.

The Dairy Export Incentive Program (DEIP) was enacted through the Food Security Act of 1985 (Pub. L. 99-198). Under the DEIP, CCC made available bonuses to enable U.S. exporters to meet prevailing world prices for certain dairy products in targeted destinations. The last year of operation of the DEIP was 2010; since that time, bonuses have not been needed to facilitate sales.

The primary objective of the EEP and DEIP was to encourage the commercial sale of United States agricultural commodities in world markets at competitive prices. Both programs were subject to annual commodity-specific quantity and budgetary ceilings agreed to by the United States in the World Trade Organization. Congress repealed the authority for the EEP in Section 3103 of the Food, Conservation, and Energy Act of 2008, and subsequently repealed the authority for the DEIP in Section 1423 of the Agricultural Act of 2014.

#### List of Subjects in 7 CFR Part 1494

Agricultural commodities, Exports, Dairy products.

Accordingly, under the authority of Sec. 3103, Public Law 110-246, and Sec. 1423, Public Law 113-79, and as discussed in the preamble, CCC amends 7 CFR chapter XIV by removing and reserving part 1494.

Dated: January 2, 2015.

**Asif Chaudhry,**

*Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.*

[FR Doc. 2015-00504 Filed 1-13-15; 8:45 am]

**BILLING CODE 3410-10-P**

## DEPARTMENT OF STATE

### 22 CFR Part 171

[Public Notice: 8870]

RIN 1400-AD65

#### Privacy Act; STATE-78, Risk Analysis and Management Records

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department of State is issuing a final rule to amend its Privacy Act regulation exempting portions of a system of records from certain provisions of the Privacy Act of 1974.

Certain portions of the Risk Analysis and Management (RAM) Records, State-78, system of records contain criminal investigation records, investigatory material for law enforcement purposes, confidential source information and are proposed to be exempted under the Privacy Act.

**DATES:** This final rule is effective January 14, 2015

**FOR FURTHER INFORMATION CONTACT:** John Hackett, Acting Director; Office of Information Programs and Services, A/GIS/IPS; Department of State, SA-2; 515 22nd Street NW., Washington, DC 20522-8001, or at [Privacy@state.gov](mailto:Privacy@state.gov).

**SUPPLEMENTARY INFORMATION:** The system, Risk Analysis and Management (RAM) Records, designated as State-78, supports the vetting of directors, officers, or other employees of organizations who apply for Department of State contracts, grants, cooperative agreements, or other funding. The information collected from these organizations and individuals is specifically used to conduct screening to ensure that Department funds are not used to provide support to entities or individuals deemed to be a risk to U.S. national security interests. The records may contain criminal investigation records, investigatory material for law enforcement purposes, and confidential source information. (The information collection was approved under OMB Control Number 1405-0204, expiration April 30, 2015.)

The Department of State is issuing this document to amend 22 CFR part 171 to exempt portions of the Risk Analysis and Management Records system of records from the Privacy Act except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), to the extent to which they meet the criteria of section (j)(2); and from subsections (c)(3);(d); (e)(1); (e)(4)(G), (H), and (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5). Consistent with the Privacy Act (5 U.S.C. 552a(k)), 22 CFR 171.36(b)(1), (2), and (5) provide concise general statements on the reasoning behind taking exemptions (k)(1), (k)(2), and (k)(5), respectively, for the Department systems for which those exemptions are taken. For ease of reference, these statements of reasoning are restated here: STATE-78 is exempted under (k)(1) in order to protect material required to be kept

secret in the interest of national defense and foreign policy. STATE-78 is exempted under (k)(2) in order to prevent individuals that are the subject of investigation from frustrating the investigatory process, to ensure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the confidence of foreign governments in the integrity of the procedures under which privileged or confidential information may be provided, and to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel. STATE-78 is exempted under (k)(5) in order to ensure the proper functioning of the investigatory process, to ensure effective determination of suitability, eligibility, and qualification for employment and to protect the confidentiality of sources of information.

This action was previously published in a Notice of Proposed Rulemaking (76 FR 76103) and a Notice of Intent to Create a System of Records (76 FR 76215). One comment was received by a member of the public who voiced a criticism of an analogous risk assessment program run by USAID. The commenter was advised that the Department's risk assessment program operates separately from USAID's program. The commenter had nothing further to add.

#### List of Subjects in 22 CFR Part 171

Privacy.

For the reasons stated in the preamble, 22 CFR part 171 is amended as follows:

#### PART 171—[AMENDED]

- 1. The authority citation for part 171 is revised to read as follows:

**Authority:** 5 U.S.C. 552, 552a; 22 U.S.C. 2651a; Pub. L. 95-521, 92 Stat. 1824, as amended; E.O. 13526, 75 FR 707; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

- 2. Section 171.36 is amended by:
  - a. Revising paragraph (a)(2); and
  - b. Adding an entry, in alphabetical order, for "Risk Analysis and Management Records. STATE-78." to the lists in paragraphs (b)(1), (2), and (5).

The revision reads as follows:

#### § 171.36 Exemptions.

\* \* \* \* \*

(a) \* \* \*

(2) The systems of records maintained by the Bureau of Diplomatic Security (STATE-36), the Office of the Inspector

General (STATE-53), the Information Access Program Records system (STATE-35), and the Bureau of Administration (STATE-78) are subject to general exemption under 5 U.S.C. 552a(j)(2). All records contained in record system STATE-36, Security Records, and all records contained the Risk Analysis and Management Records system (STATE-78), are exempt from all provisions of the Privacy Act except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the extent to which they meet the criteria of section (j)(2). These exemptions are necessary to ensure the effectiveness of the investigative, judicial, and protective processes. All records contained in STATE-53, records of the Inspector General and Automated Individual Cross-Reference System, are exempt from all of the provisions of the Privacy Act except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the extent to which they meet the criteria of section (j)(2). These exemptions are necessary to ensure the proper functions of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to prevent interference with the enforcement of criminal laws, to avoid the disclosure of investigative techniques, to avoid the endangering of the life and safety of any individual, to avoid premature disclosure of the knowledge of potential criminal activity and the evidentiary bases of possible enforcement actions, and to maintain the integrity of the law enforcement process. All records contained in the Information Access Program Records system (STATE-35) are exempt from all of the provisions of the Privacy Act except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the extent to which they meet the criteria of section (j)(2). These exemptions are necessary to ensure the protection of law enforcement information retrieved from various sources in response to information access requests.

\* \* \* \* \*

**Joyce A. Barr,**

*Assistant Secretary for Administration, U.S. Department of State.*

[FR Doc. 2015-00375 Filed 1-13-15; 8:45 am]

**BILLING CODE 4710-24-P**

## DEPARTMENT OF EDUCATION

### 34 CFR Part 685

[Docket ID ED-2014-OPE-0082]

RIN 1840-AD17

### William D. Ford Federal Direct Loan Program

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Announcement of early implementation date.

**SUMMARY:** The U.S. Department of Education (Department) is establishing the date for early implementation of the William D. Ford Federal Direct Loan (Direct Loan) Program regulations that update the standard for determining if a potential parent or student borrower has an adverse credit history for purposes of eligibility for a Direct PLUS Loan (PLUS loan). These regulations also require parents and students who have an adverse credit history, but who are approved for a PLUS loan on the basis that extenuating circumstances exist or by obtaining an endorser for the PLUS loan, to receive loan counseling before receiving the PLUS loan.

**DATES:** The early implementation date for § 685.200(b)(5) and (c), published in the *Federal Register* on October 23, 2014 (79 FR 63317), is March 29, 2015.

**FOR FURTHER INFORMATION CONTACT:** For information about the Direct PLUS Loan Program or how to apply for a Direct PLUS Loan, call the Federal Student Aid Information Center (FSAIC) at 1-800-4FEDAID (1-800-433-3243). For information regarding the establishment of this early implementation date, contact Sue O'Flaherty, U.S. Department of Education, Federal Student Aid, 830 First Street NE., Union Center Plaza, Room 64E1, Washington, DC 20202-5345. Telephone: (202) 377-3393 or by email at: [sue.oflaherty@ed.gov](mailto:sue.oflaherty@ed.gov).

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

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 482(c) of the Higher Education Act of 1965, as amended (HEA), requires that regulations affecting programs under title IV of the HEA be published in final form by November 1 prior to the start of the award year (July 1) to which they apply. However, that section of the HEA also permits the Secretary to designate any regulation as one that an entity subject to the regulations may choose to



implement earlier, and to specify the conditions for early implementation.

On October 23, 2014, the Department issued final regulations in 34 CFR part 685 for the PLUS Loan Program (79 FR 63317). In the preamble to the final regulations, the Secretary announced the Department's intent to implement the new Direct PLUS Loan Program regulations as soon as possible.

#### Implementation Date of These Regulations

The Secretary is exercising the authority under section 482(c) of the HEA to designate the following amended regulations in 34 CFR part 685 for early implementation beginning on March 29, 2015:

- (1) Section 685.200(b)(5); and
- (2) Section 685.200(c).

The Secretary will implement the provisions in 34 CFR 685.200(b)(5) and 34 CFR 685.200(c) for student and parent PLUS loan applicants beginning on March 29, 2015, as part of the Department's Common Origination and Disbursement (COD) System new award year release. For all PLUS Loan credit checks conducted on or after March 29, 2015, the Secretary will use the standards established in the final regulations published on October 23, 2014, to determine if an adverse credit history exists. In addition, the Secretary will make PLUS Loan counseling available to borrowers who are determined to have adverse credit histories on or after March 29, 2015, but who qualify for a PLUS Loan due to extenuating circumstances or by obtaining an endorser. Finally, while required only for certain PLUS Loan applicants, the new PLUS Loan counseling will be available for all PLUS Loan borrowers, beginning on March 29, 2015.

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

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

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

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

Dated: January 9, 2015.

**Arne Duncan,**

*Secretary of Education.*

[FR Doc. 2015-00462 Filed 1-13-15; 8:45 am]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA-R10-OAR-2014-0745; FRL-9921-29-Region 10]**

#### Approval and Promulgation of Implementation Plans; Washington: Infrastructure Requirements for the 2008 Ozone and 2010 Nitrogen Dioxide National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is partially approving and partially disapproving the State Implementation Plan (SIP) submittal from Washington, received September 22, 2014, demonstrating that the SIP meets the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for ozone on March 12, 2008, and nitrogen dioxide (NO<sub>2</sub>) on January 22, 2010. The CAA requires that each state, after a new or revised NAAQS is promulgated, review their SIP to ensure that it meets the infrastructure requirements necessary to implement the new or revised NAAQS. Washington certified that the Washington SIP meets the infrastructure requirements of the CAA for the 2008 ozone and 2010 NO<sub>2</sub> NAAQS, except for those requirements related to the Prevention of Significant Deterioration (PSD) permitting program currently operated under a Federal Implementation Plan (FIP), certain elements of the regional haze program currently operated under a FIP, and specific requirements related to interstate transport which will be addressed in a separate action. The EPA has determined that the Washington SIP is adequate for purposes of the

infrastructure SIP requirements of the CAA with the exceptions noted above. The EPA has determined that the SIP deficiencies related to PSD permitting and regional haze, however, have been adequately addressed by the existing EPA FIPs and, therefore, no further action is required by Washington or the EPA for those elements. The EPA will address the remaining interstate transport requirements in a separate action.

**DATES:** This final rule is effective February 13, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2014-0745. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Programs Unit, Office of Air Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays. **FOR FURTHER INFORMATION CONTACT:** For information please contact Jeff Hunt at (206) 553-0256, [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov), or by using the above EPA, Region 10 address. **SUPPLEMENTARY INFORMATION:**

#### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- (i) The words or initials "Act" or "CAA" mean or refer to the Clean Air Act, unless the context indicates otherwise.
- (ii) The words "EPA", "we", "us" or "our" mean or refer to the United States Environmental Protection Agency.
- (iii) The initials "SIP" mean or refer to State Implementation Plan.
- (iv) The words "Washington" and "State" mean the State of Washington.

#### Table of Contents

- I. Background Information
- II. Response to Comments
- II. Final Action
- IV. Statutory and Executive Orders Review

## I. Background Information

On July 18, 1997, the EPA promulgated a new NAAQS for ozone. The EPA revised the ozone NAAQS to provide an 8-hour averaging period which replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm (62 FR 38856). Subsequently, on March 12, 2008, the EPA revised the levels of the primary and secondary 8-hour ozone standards to 0.075 ppm (73 FR 16436).

The EPA first set standards for NO<sub>2</sub> in 1971, setting both a primary standard (to protect health) and a secondary standard (to protect the public welfare) at 53 parts per billion (53 ppb), averaged annually. The EPA reviewed the standards in 1985 and 1996, deciding to retain the standards at the conclusion of each review. In 2005, the EPA began another review, resulting in the January 22, 2010, rulemaking to establish an additional primary NO<sub>2</sub> standard at 100 ppb, averaged over one hour (75 FR 6474).

States must submit SIPs meeting the requirements of CAA sections 110(a)(1) and (2) within three years after promulgation of a new or revised standard. CAA sections 110(a)(1) and (2) require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to implement, maintain, and enforce the standards, so-called “infrastructure” requirements. To help states meet this statutory requirement, the EPA issued guidance to address infrastructure SIP elements generally for all NAAQS, including the 2008 ozone and 2010 NO<sub>2</sub> NAAQS.<sup>1</sup> As noted in the guidance document, to the extent an existing SIP already meets the CAA section 110(a)(2) requirements, states may certify that fact via a letter to the EPA. On September 22, 2014, Washington made a submittal to the EPA certifying that the current Washington SIP meets the CAA section 110(a)(1) and (2) infrastructure requirements for the 2008 ozone and 2010 NO<sub>2</sub> NAAQS, except for certain requirements related to PSD permitting, regional haze, and interstate transport. The EPA proposed action on the submittal on October 17, 2014 (79 FR 62379). The comment period closed on November 17, 2014.

## II. Response to Comments

The EPA received one comment on its proposal.

<sup>1</sup> Stephen D. Page, Director, Office of Air Quality Planning and Standards. “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).” Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

*Comment:* “I think the EPA should back off[] at trying to cripple working people by closing down COAL and COAL Fired Boilers. Try stopping other countries from pollution in the world.”

*Response:* The EPA evaluated the existing Washington SIP to determine if it meets the CAA section 110(a)(1) and (2) infrastructure requirements for the 2008 ozone and 2010 NO<sub>2</sub> NAAQS. Neither the EPA nor Washington proposed new regulations related to coal or coal fired boilers in this action. Therefore, this comment is not relevant to this action and we are finalizing this partial approval and partial disapproval of the September 22, 2014, Washington SIP submittal as originally proposed.

## III. Final Action

The EPA is partially approving and partially disapproving the September 22, 2014, submittal from Washington demonstrating that the SIP meets the requirements of sections 110(a)(1) and (2) of the CAA for the 2008 ozone and 2010 NO<sub>2</sub> NAAQS. Specifically, we have determined that the current EPA-approved Washington SIP meets the following CAA section 110(a)(2) infrastructure elements: (A), (B), (C)—except for those elements covered by the PSD FIP, (D)(i)(II)—except for those elements covered by the PSD and regional haze FIPs, (D)(ii)—except for those elements covered by the PSD FIP, (E), (F), (G), (H), (J)—except for those elements covered by the PSD FIP, (K), (L), and (M). As discussed in the proposal for this action, the EPA anticipates no adverse consequences to Washington or to sources in the State resulting from the partial disapproval of the infrastructure SIP with respect to the PSD and regional haze FIPs. The EPA, likewise, anticipates no additional FIP responsibilities for PSD and regional haze as a result of the partial disapproval. Interstate transport requirements with respect to CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone and 2010 NO<sub>2</sub> NAAQS will be addressed in a separate action.

## IV. Statutory and Executive Orders Review

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

beyond those imposed by State law. For that reason, this action:

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

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law. Washington’s SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989*, 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. Consistent with EPA policy, the

EPA nonetheless provided a consultation opportunity to the Puyallup Tribe in a letter dated September 3, 2013. The EPA did not receive a request for consultation.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this

action must be filed in the United States Court of Appeals for the appropriate circuit by March 16, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

#### List of Subjects in 40 CFR Part 52

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

Dated: December 18, 2014.

**Dennis J. McLerran,**

*Regional Administrator, Region 10.*

40 CFR part 52 is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

#### Subpart WW—Washington

■ 2. Section 52.2470 is amended in paragraph (e) by adding an entry entitled “110(a)(2) Infrastructure Requirements—2008 Ozone and 2010 Nitrogen Dioxide Standards” in Table 2—Attainment, Maintenance, and Other Plans, at the end of the section with the heading “110(a)(2) Infrastructure and Interstate Transport” to read as follows:

#### § 52.2470 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

TABLE 2—ATTAINMENT, MAINTENANCE, AND OTHER PLANS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
<b>110(a)(2) Infrastructure and Interstate Transport</b>				
*	*	*	*	*
110(a)(2) Infrastructure Requirements—2008 Ozone and 2010 Nitrogen Dioxide Standards.	Statewide .....	9/22/14	1/14/15 [Insert <b>Federal Register</b> citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
*	*	*	*	*

# Proposed Rules

Federal Register

Vol. 80, No. 9

Wednesday, January 14, 2015

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 HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 112

[Docket No. FDA-2014-N-2244]

RIN 0910-AG35

#### Draft Environmental Impact Statement for the Proposed Rule, Standards for Growing, Harvesting, Packing, and Holding of Produce for Human Consumption; Notice for Public Meeting on Draft Environmental Impact Statement

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notification of public meeting.

**SUMMARY:** The Food and Drug Administration (FDA or we) has made available for public review and comment the Draft Environmental Impact Statement (EIS) for the proposed rule establishing standards for the growing, harvesting, packing, and holding of produce for human consumption. The document is available in Docket No. FDA-2014-N-2244. FDA is also announcing a public meeting to discuss the Draft EIS. The purpose of the public meeting is to inform the public of the findings in the Draft EIS, to provide information about the EIS process (including how to submit comments, data, and other information to the docket), to solicit oral stakeholder and public comments on the Draft EIS, and to provide clarification, as needed, about the contents of the Draft EIS.

**DATES:** See section II, "How to Participate in the Public Meeting" in the **SUPPLEMENTARY INFORMATION** section of this document for date and time of the public meeting, closing dates for advance registration, and information on deadlines for submitting either electronic or written comments on the Draft EIS.

**ADDRESSES:** You may submit comments by any of the following methods.

#### Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

#### Written Submissions

Submit written submissions in the following ways:

- Mail/Hand delivery/Courier (for paper): Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**Instructions:** All submissions received must include the Docket No. FDA-2014-N-2244. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**Public Meeting:** See section II, "How to Participate in the Public Meeting" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

*For questions about the Draft Environmental Impact Statement, or submitting comments contact:* Annette McCarthy, Center for Food Safety and Applied Nutrition (HFS-205), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240-402-1057.

*For questions about registering for the meeting, to register by phone, or to submit a notice of participation by mail, FAX, or email, contact:* Rick Williams, c/o FDA EIS, 72 Loveton Circle, Sparks, MD 21152; telephone: 410-316-2377; FAX: 410-472-3289; email: [RWilliams@jmt.com](mailto:RWilliams@jmt.com).

*For general questions about the meeting, to request an opportunity to make an oral presentation at the public meeting, to submit the full text, comprehensive outline, or summary of an oral presentation, or for special accommodations due to a disability, contact:* Cynthia Wise, Center for Food Safety and Applied Nutrition (HFS-300), Food and Drug Administration,

5100 Paint Branch Pkwy., College Park, MD 20740, telephone: 240-402-1357, email: [cynthia.wise@fda.hhs.gov](mailto:cynthia.wise@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The FDA Food Safety Modernization Act (FSMA) (Pub. L. 111-353), signed into law by President Obama on January 4, 2011, enables FDA to better protect public health by helping to ensure the safety and security of the food supply. FSMA amends the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to establish the foundation of a modernized, prevention-based food safety system. As part of our implementation of FSMA, we published the Proposed Rule: Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (hereafter referred to as "the 2013 proposed rule") to establish science-based minimum standards for the safe growing, harvesting, packing, and holding of produce (78 FR 3504, January 16, 2013). On September 29, 2014, FDA issued a supplemental notice of proposed rulemaking ("the supplemental proposed rule"), amending certain specific provisions of the 2013 proposed rule (79 FR 58434). Taken together, these publications constitute FDA's proposed standards for the growing, harvesting, packing, and holding of produce for human consumption ("the Produce Safety Proposed Rule").

FDA announced a "Notice of Intent" (NOI) to prepare an EIS to evaluate the potential environmental effects of the Produce Safety Proposed Rule in the **Federal Register** on August 19, 2013 (78 FR 50358). In the NOI, FDA also announced the beginning of the scoping process and solicited public comments to identify issues to be analyzed in an EIS. The NOI asked for public comment by November 15, 2013, and FDA later extended the deadline for the comment period to April 18, 2014 (79 FR 13593; March 11, 2014). A public scoping meeting was held on April 4, 2014, in College Park, MD.

In the Produce Safety Proposed Rule, FDA proposed science-based minimum standards for the safe production and harvesting of produce. As discussed in the Draft EIS (Ref. 1), out of these standards, we identified four provisions that could potentially significantly affect the quality of the human

environment, if finalized (hereinafter referred to as “potentially significant provisions”). For each of the potentially significant provisions, FDA then identified alternative provisions to consider. The potentially significant provisions are: (1) Standards directed to agricultural water, (2) standards directed to biological soil amendments (BSA) of animal origin, (3) standards directed to domesticated and wild animals, and (4) general provisions (*i.e.*, cumulative impacts). Additionally, an overarching “No Action” Alternative was considered for the purpose of evaluating conditions in the absence of any final rule.

For standards directed to agricultural water, we considered the following alternatives: (1) As proposed by FDA, *i.e.*, a statistical threshold value (STV) not exceeding 410 colony forming units (CFU) of generic *Escherichia coli* per 100 ml of water and a geometric mean (GM) not exceeding 126 CFU of generic *E. coli* per 100 ml of water, along with options to achieve the standard by applying either a time interval between last irrigation and harvest using a microbial die-off rate of 0.5 log per day and/or a time interval between harvest and end of storage using an appropriate microbial die-off or removal rates, including during activities such as commercial washing (proposed 21 CFR 112.44(c)); (2) a microbial quality standard of no more than 235 CFU (or most probable number (MPN), as appropriate) generic *E. coli* per 100 ml for any single sample or a rolling GM ( $n=5$ ) of more than 126 CFU (or MPN, as appropriate) per 100 ml of water, as was proposed in the 2013 proposed rule; (3) as proposed (*i.e.*, Alternative 1), but with an additional criterion establishing a maximum generic *E. coli* threshold; and (4) for each of the alternatives above, consider the environmental impacts of two different interpretations of the definition of “direct water application method” in proposed § 112.3(c): (a) To include root crops that are drip irrigated and (b) to exclude root crops that are drip irrigated.

For standards directed to BSAs of animal origin, FDA considered standards for both untreated and treated BSAs. For untreated BSAs of animal origin, the alternatives considered included a range of minimal application intervals (the time between application and harvest) when the BSA is applied in a manner that does not contact covered produce during application and minimizes the potential for contact with covered produce after application. The alternative application intervals evaluated were: (1) 9 months, (2) 0

months, (3) 90 and 120 days, consistent with the National Organic Programs’ regulations in 7 CFR 205.203(c)(1), (4) 6 months, and (5) 12 months. For standards directed to treated BSAs, the alternatives considered included a range of application intervals when the BSA is composted in accordance with the requirements proposed in § 112.54(c) and applied in a manner that minimizes the potential for contact with covered produce during and after application. The application intervals evaluated were: (1) As proposed by FDA, 0 days (proposed § 112.56(a)(4)(i)), (2) 45 days, and (3) 90 days.

For standards directed at domesticated animals, we considered alternatives under which, if working animals are used in a growing area where a crop has been planted, measures would be required to prevent the introduction of known or reasonably foreseeable hazards into or onto covered produce with the waiting period between grazing and harvesting varying by alternative. The following alternatives were evaluated: (1) As proposed by FDA, an adequate waiting period between grazing and harvesting for covered produce in any growing area that was grazed to ensure the safety of the harvested crop (proposed § 112.82(a)); (2) a minimum waiting period of 9 months; and (3) a minimum waiting period of 90 days and 120 days before harvest, depending upon whether the edible portion of the crop contacts the soil (applying the timeframes for raw manure set forth in the National Organic Programs’ regulations in 7 CFR 205.203(c)(1)). For standards directed to wild animals, we considered alternatives to the proposed requirement that under circumstances when there is a reasonable probability that animal intrusion will contaminate covered produce, the grower would be required to monitor those areas that are used for a covered activity for evidence of animal intrusion: (1) As needed during the growing season based on (i) the grower’s covered produce and (ii) the grower’s observations and experience; and (2) immediately prior to harvest. The alternatives evaluated were: (1) As proposed by FDA, if animal intrusion occurs—as made evident by observation of significant quantities of animals, animal excreta or crop destruction via grazing—the grower must evaluate whether the covered produce can be harvested in accordance with the requirements of proposed § 112.112 (proposed § 112.83(a) and (b)) and (2) if animal intrusion is reasonably likely to occur, the grower must take measures to

exclude animals from fields where covered produce is grown.

The cumulative impacts of the proposed rule were considered using a range of alternatives to the general provision in proposed § 112.4, which would specify the farms that would be covered under the rule based on the farm’s annual sales of produce. The alternatives evaluated were to cover those farms that have: (1) As proposed by FDA, an average annual monetary value of produce sold during the previous 3-year period of more than \$25,000 (on a rolling basis) (proposed § 112.4); (2) an average annual monetary value of food sold during the previous 3-year period of more than \$50,000 (on a rolling basis); (3) an average annual monetary value of food sold during the previous 3-year period of more than \$100,000 (on a rolling basis); and (4) an average annual monetary value of covered produce sold during the previous 3-year period of more than \$25,000 (on a rolling basis).

FDA has made this Draft EIS available for public review and comment in Docket No. FDA-2014-N-2244 (See Ref. 1).

## II. How To Participate in the Public Meeting

FDA is holding the public meeting on February 10, 2015, from 1 p.m. until 4 p.m., at Wiley Auditorium, Harvey W. Wiley Federal Bldg., 5100 Paint Branch Pkwy., College Park, MD 20740, to discuss the Draft EIS for the proposed rule to establish standards for growing, harvesting, packing and holding of produce for human consumption. Due to limited space and time, FDA encourages all persons who wish to attend the meetings to register early and in advance of the meeting. There is no fee to register for the public meeting, and registration will be on a first-come, first-served basis. Onsite registration will be accepted, as space permits, after all preregistered attendees are seated.

Those requesting an opportunity to make an oral presentation during the time allotted for public comment at the meeting are asked to submit a request in advance and to provide information about the specific topic or issue to be addressed. Due to the anticipated high level of interest in presenting public comments and the limited time available, FDA is allocating 4 minutes to each speaker to make an oral presentation. FDA will provide opportunities to submit written comments at the meeting; there will not be an opportunity to display materials such as slide shows, videos, or other media during the meeting. If time permits, individuals or organizations

that did not register in advance may be granted the opportunity to make an oral presentation. FDA would like to maximize the number of individuals who make a presentation at the meeting and will do our best to accommodate all persons who wish to make a presentation or express their opinions at the meeting.

FDA encourages persons and groups who have similar interests to

consolidate their information for presentation by a single representative. After reviewing the presentation requests, FDA will notify each participant before the meeting of the approximate time their presentation is scheduled to begin, and remind them of the presentation format (*i.e.*, 4-minute oral presentation without visual media).

While oral presentations from specific individuals and organizations will be

necessarily limited due to time constraints during the public meeting, stakeholders may submit electronic or written comments discussing any issues of concern to the administrative record (the docket). All relevant data and documentation should be submitted with the comments to Docket No. FDA–2014–N–2244.

Table 1 provides information on participation in the public meeting:

TABLE 1—INFORMATION ON PARTICIPATION IN THE MEETING AND ON SUBMITTING COMMENTS TO THE DOCKET

	Date	Electronic address	Address	Other information
College Park, MD Public Meeting.	February 10, 2015, 1 p.m. to 4 p.m.	<a href="http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm">http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm</a> .	Wiley Auditorium, Harvey W. Wiley Federal Bldg., 5100 Paint Branch Pkwy., College Park, MD 20740.	
Deadline for Registration ...	February 3, 2015 .....	<a href="http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm">http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm</a> , Docket No. FDA–2014–N–2244	We encourage you to use electronic registration if possible. <sup>1</sup>	There is no registration fee for the public meetings. Early registration is recommended because seating is limited.
Request to Make a Public Comment.	February 3, 2015 .....	<a href="http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm">http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm</a> . <sup>2</sup>	.....	Requests made on the day of the meeting to make an oral presentation will be granted as time permits. Information on requests to make an oral presentation may be posted without change to <a href="http://www.regulations.gov">http://www.regulations.gov</a> , including any personal information provided.
Request Special Accommodations Due to a Disability.	February 3, 2015 .....	Cynthia Wise email: <a href="mailto:cynthia.wise@fda.hhs.gov">cynthia.wise@fda.hhs.gov</a> .	See <b>FOR FURTHER INFORMATION CONTACT</b> .	
Closing Date for Written Comments.	March 13, 2015.			

<sup>1</sup>For questions about registering for the meeting, to register by phone, or to submit a notice of participation by mail, Fax, or email, contact: Rick Williams, c/o FDA EIS, 72 Loveton Circle, Sparks, MD 21152; telephone: 410–316–2377; FAX: 410–472–3289; email: [RWilliams@jmt.com](mailto:RWilliams@jmt.com).

<sup>2</sup>You may also request to make an oral presentation at the public meeting via email. Please include your name, title, firm name, address, and phone and FAX numbers as well as the full text, comprehensive outline, or summary of your oral presentation and send to: Cynthia Wise, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy, College Park, MD 20740, telephone: 240–402–1357, email: [cynthia.wise@fda.hhs.gov](mailto:cynthia.wise@fda.hhs.gov).

### III. Comments, Transcripts, and Recorded Video

Information and data submitted voluntarily to FDA during the public meeting will become part of the administrative record and will be accessible to the public at <http://www.regulations.gov>. The transcript of the proceedings from the public meeting will become part of the administrative record. Please be advised that as soon as a transcript is available, it will be accessible at <http://www.regulations.gov> and at FDA's FSMA Web site at <http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm>. It may also be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A transcript will also be available in either

hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Additionally, FDA will be live webcasting and recording the public meeting. Once the recorded video is available, it will be accessible at FDA's FSMA Web site at <http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm>.

### IV. Reference

1. Draft Environmental Impact Statement for the Proposed Rule: Standards for Growing, Harvesting, Packing, and Holding of Produce for Human Consumption.

Dated: January 12, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–00564 Filed 1–12–15; 4:15 pm]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 112**

[Docket No. FDA-2014-N-2244]

RIN 0910-AG35

**Draft Environmental Impact Statement for the Proposed Rule, Standards for Growing, Harvesting, Packing, and Holding of Produce for Human Consumption; Notice for Public Meeting on Draft Environmental Impact Statement***Correction*

FR proposed rule document 2015-00205 beginning on pages 1478 in the issue of Monday, January 12, 2015, was never placed on public inspection and was published in error. It should be removed.

[FR Doc. C1-2015-00205 Filed 1-12-15; 4:15 pm]

BILLING CODE 1505-01-D

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****24 CFR Parts 200 and 232**

[Docket No. FR-5632-P-01]

RIN 2502-AJ27

**Federal Housing Administration (FHA): Updating Regulations Governing HUD Fees and the Financing of the Purchase and Installation of Fire Safety Equipment in FHA-Insured Healthcare Facilities**

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Proposed rule.

**SUMMARY:** FHA insures mortgage loans to facilitate the construction, substantial rehabilitation, purchase, and refinancing of multifamily housing under the National Housing Act, and nursing homes, intermediate care facilities, board and care homes, and assisted-living facilities (collectively residential healthcare facilities) under section 232 of the National Housing Act (the Section 232 program). Through this rule, HUD proposes to update HUD fees for multifamily housing and residential healthcare facilities and to update and streamline the Section 232 program regulations that govern the financing of the purchase and installation of fire safety equipment in the insured healthcare facilities, which have not been substantially updated in over 20

years. The proposed changes would give HUD flexibility in raising or lowering fees, and for residential healthcare facilities, streamline the loan application process by eliminating unnecessary requirements, conforming needed requirements to current industry practices, and allowing for HUD to centralize the loan application process.

**DATES:** *Comment Due Date:* March 16, 2015.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the [www.regulations.gov](http://www.regulations.gov) Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

**No Facsimile Comments.** Facsimile (FAX) comments are not acceptable.

**Public Inspection of Public Comments.** All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m., weekdays, at the above address. Due to security measures at the HUD Headquarters building, an appointment to review the public comments must be scheduled in advance by calling the Regulations

Division at 202-708-3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800-877-8339. Copies of all comments submitted are available for inspection and downloading at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** For information about: HUD's Multifamily Housing program, contact Dan Sullivan, Deputy Director, Office of Multifamily Housing Development, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6148, Washington, DC 20410-8000; telephone number 202-708-1142; HUD's Healthcare program, contact Vance Morris, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6134, Washington, DC 20410-8000; telephone number 202-402-2419. The telephone numbers listed above are not toll-free numbers. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:****I. Background***HUD Fees*

Section 207(d) of the National Housing Act (12 U.S.C. 1713) authorizes the Secretary, as he determines necessary, to charge and collect fees for the appraisal of a property or project offered for insurance and for the inspection of such property, as long as such fees do not exceed one percent of the amount of the mortgage. Despite the flexibility to set fees given to the Secretary in the statute, relevant HUD fees are currently set by regulation in parts 200 and 232, which does not allow HUD the flexibility necessary to adapt to market changes in a timely manner.

*Loans To Finance the Purchase of Fire Safety Equipment*

Under section 232 of the National Housing Act (12 U.S.C. 1715w), FHA insures mortgage loans to finance the development of residential healthcare facilities. HUD's regulations for the Section 232 program are codified in 24 CFR part 232. In addition to insuring such mortgage loans, FHA insures, under the Section 232 program, loans to finance the purchase and installation of fire safety equipment in insured healthcare facilities.

The Fire Safety Equipment Loan Act (Pub. L. 93-204, approved December 28, 1973) amended section 232 of the National Housing Act to provide that

insurable equipment under the Section 232 program includes the cost of installation of fire safety equipment (see 12 U.S.C. 1715w(i)). This law was enacted to help residential healthcare facilities comply with the 1967 Life Safety Code of the National Fire Protection Program (LSC).<sup>1</sup>

In 1974, HUD established its Fire Safety Equipment Loan Program (FSELP) and promulgated regulations in 24 CFR part 232, subpart C, to implement the program (Subpart C regulations). On August 13, 2008, at 73 FR 47075, the Centers for Medicare and Medicaid Services (CMS) published in the **Federal Register** a final rule that requires every CMS certified long-term care facility<sup>2</sup> to have automatic fire sprinkler systems installed no later than August 13, 2013.<sup>3</sup> CMS requirements for these facilities to have automatic sprinkler systems highlights HUD's need to update the Section 232 regulations that govern the financing of the purchase and installation of fire safety equipment.

## II. This Proposed Rule

### *Update and Streamline HUD Fees*

**A. Application and Commitment Fees.** Currently, under § 232.505(c), the borrower is required to pay, as an application fee, \$2.00 per thousand dollars of the amount of the fire safety loan. Under § 232.510(d), the borrower must pay a commitment fee which, when added to the application fee, will aggregate \$4.00 per thousand of the amount of the fire safety loan but with a minimum of \$50.00 for both fees. HUD's general "fee" provisions in 24 CFR 200.40, entitled "HUD Fees", which set forth the applicable fees for relevant FHA-insured mortgages, however, combine the application fee and commitment fee rather than providing two separate fees as is currently the case in the Subpart C regulations.

To bring consistency among these fee regulations and to more clearly set forth HUD's fee structure, this rule proposes to revise § 232.505(c), entitled "Application fee" and § 232.510(d)

entitled "Commitment fee" to cross-reference to a new § 200.40(d)(2), which would be entitled "Application fee—Section 232 Programs." Specifically, in § 200.40, HUD proposes to amend § 200.40(d) to designate the existing text in paragraph (d) as paragraph (d)(1), revise newly designated paragraph (d)(1) to allow the Secretary to decrease the application fee, and add a new paragraph (d)(2) that would provide the Secretary with flexibility to set the application fee for insured loans to finance the purchase and installation of fire safety equipment.

**B. Maximum fees and charges.** In § 232.520, the proposed rule would cross-reference 24 CFR 200.40 and 24 CFR 200.41. These two regulatory sections contain the fees that apply to most mortgages insured by FHA, including Section 232 mortgages.

**C. Inspection fee.** In § 232.522, the proposed rule would cross-reference 24 CFR 200.40 and 24 CFR 200.41 for the same reasons stated above.

**D. Refund of fees.** Since this rule proposes to eliminate the commitment fee in the Subpart C regulations, the rule also proposes to eliminate the requirement in § 232.515 that the commitment fee be refunded. The provisions allowing for refund of the application fee remains unchanged.

### *Update and Streamline 24 CFR 232 Subpart C Regulations*

Through this rule, HUD also proposes to update and streamline the requirements of other Subpart C regulations. HUD's Subpart C regulations currently provide that fire safety equipment means equipment that is purchased, installed, and maintained in a nursing home, intermediate care facility, assisted living facility, or board and care home and that meets the following standards for the applicable occupancy: (i) The Life Safety Code of the National Fire Protection Association (any edition after 1966); or (ii) A standard mandated by a State, under the provisions of section 1616(e) of the Social Security Act;<sup>4</sup> or (iii) Any

appropriate requirement approved by the Secretary of Health and Human Services (HHS) for providers of services under title XVIII or title XIX of the Social Security Act. (These sections establish the Medicare and Medicaid programs, respectively.) Therefore, this rule does not need to propose language to require the installation of an automated fire sprinkler system as recently promulgated by CMS but, given that this requirement is now in place, HUD seeks to streamline its regulations to assist owners of healthcare facilities to obtain a loan, if necessary, to finance the purchase and installation of such systems. The streamlining of the Subpart C regulations proposed by this rule would primarily focus on removing or revising several fees required in the Subpart C regulations that HUD has determined are no longer needed or, alternatively, are not set at sufficient levels.

**A. Definitions.** This rule proposes to revise two definitions in § 232.500. First, HUD would revise the definition of "fire safety equipment" in § 232.500(c)(1) regarding the standard for acceptable fire safety equipment. The proposed rule would update the outdated standard in § 232.500(c)(1) which currently requires "fire safety equipment" to meet the standards for applicable occupancy of any edition of the Life Safety Code<sup>5</sup> of the National Fire Protection Association after 1966 (§ 232.500(c)(1)(i)); or a standard mandated by a State, under the provisions of section 1616(e) of the Social Security Act (§ 232.500(c)(1)(ii)); or any appropriate requirement approved by the Secretary of HHS for providers of services under title XVIII or title XIX of the Social Security Act (§ 232.500(c)(1)(iii)).

For § 232.500(c)(1)(i), this rule proposes to instead require "fire safety equipment" to meet the applicable provisions of the edition of the LSC adopted by the Secretary of HHS. For § 232.500(c)(1)(ii), HUD proposes no change. For § 232.500(c)(1)(iii), HUD

be made available annually to the public. To ensure compliance with the requirements of section 1616(e) of the Social Security Act, each State must certify annually to SSA's Office of the Commissioner that designated licensing authorities have implemented all aspects of the program.

<sup>5</sup> The Life Safety Code addresses those construction, protection, and occupancy features necessary to minimize danger to life from the effects of fire, including smoke, heat, and toxic gases created during a fire. The Code also addresses protective features and systems, building services, operating features, maintenance activities, and other provisions in recognition of the fact that achieving an acceptable degree of life safety depends on additional safeguards to provide adequate egress time or protection for people exposed to fire.

<sup>1</sup> The LSC is administered, trademarked, copyrighted, and published by the National Fire Protection Association. The standard primarily addresses "those construction, protection, and occupancy features necessary to minimize danger to life from the effects of fire, including smoke, heat, and toxic gases created during a fire."

<sup>2</sup> A CMS certified long-term care facility is one approved to participate in the Medicare and Medicaid programs.

<sup>3</sup> On May 12, 2014, CMS published a final rule, at 79 FR 27106, to permit a very limited extension of the automatic sprinkler due date for a facility that is building a replacement or undergoing modification to unsprinklered areas.

<sup>4</sup> Under section 1616(e) of the Social Security Act, States are required to establish or designate one or more State or local authorities that must establish, maintain and ensure the enforcement of standards for any category of institution, foster home, or group living arrangement in which (as determined by the State) a significant number of SSI recipients are residing or are likely to reside. Standards shall be appropriate to the needs of the recipient and the character of the facilities involved and shall govern such matters as admission policies, safety, sanitation, and protection of civil rights. Further, each State is required to maintain records of information concerning standards, procedures available to ensure enforcement of the standards, and a list of waivers of standards and violations of standards by specific facilities. These records must



proposes to remove this requirement since approval by the Secretary of HHS is achieved through the change to § 232.500(c)(1)(i). This update will allow HUD's regulation to continue to reflect the LSC standards specified by HHS without undergoing the lengthy rulemaking process when the standards are changed over time.

Second, the proposed rule would revise the definition of "equipment cost" in § 232.500(e) to eliminate the involvement of the Secretary of HHS in estimating the reasonable cost of the fire safety equipment installation. As § 232.500(e) currently provides, the FHA Commissioner makes the determination of the reasonableness of cost, while the Secretary of HHS only provides an estimate. HUD has determined that the estimate by the Secretary of HHS is an unnecessary step.

**B. Applications.** This proposed rule would remove the requirement at § 232.505(a) that an application for insurance of a fire safety loan under part 232 must be considered in connection with a proposal approved by the Secretary of HHS. In order to streamline the loan application process, this proposed change reflects HUD's decision that approval of a proposal by the Secretary of HHS in connection with each loan application is unnecessary. Section 232.615 would still require, however, that the facility requesting the loan meet HHS fire safety requirements.

In § 232.505(b), entitled "Filing of Application," HUD proposes to remove the requirement to submit applications to HUD's local offices. This rule would allow HUD to centralize the application process for insurance of a fire safety loan. HUD believes that the centralization effort will facilitate review of initial applications.

**C. HHS Determination of the Need for Fire Safety Equipment.** In § 232.510, in addition to proposing to eliminate the "commitment fee," HUD proposes in § 232.510(b), to remove the requirement that HHS must first determine that a facility needs fire safety equipment before FHA will insure the financing for purchase and installation of the equipment. As stated earlier, § 232.615 would continue to require that the healthcare facility meet HHS fire safety requirements upon completion of installation in order for the facility to be an eligible borrower. Therefore, a provision that the Secretary of HHS must approve each facility before HUD makes a commitment is superfluous.

**D. Method of loan payment and amortization period.** For § 232.540, the proposed rule would cross reference 24 CFR 200.82. Section 200.82 establishes

the maximum and minimum mortgage term, and specifies that the mortgage shall contain complete amortization satisfactory to the Commissioner.

**E. Maximum loan amount.** In § 232.565, the maximum loan amount would be revised to allow for the financing of fees, similar to the regulations governing fees in other Section 232 loan insurance programs. Specifically, financing of fees is permitted for Section 232 refinance and acquisition transactions (see § 232.903(c) and § 232.903(d), respectively).

**F. Endorsement of credit instrument.** In § 232.570, which establishes qualifications for the endorsement of the credit instrument, the proposed rule would eliminate the requirement that the Secretary of HHS submit a statement that the fire safety equipment has been satisfactorily installed. The proposed rule would replace this provision with a requirement of a certification that the improvements were installed as required by § 232.500(c). As stated earlier in regard to other proposed changes, § 232.615 would still require the facility to meet HHS fire safety requirements in order for HUD to insure the loan.

**G. Contract requirements.** In § 232.605, the proposed rule would remove the limitation that contracts be either lump sum or cost plus contracts and instead allow such contracts as may be specified by the FHA Commissioner.

**H. Certification of cost requirements.** In § 232.610, the proposed rule would require a certification of actual cost be made for all forms of contract, instead of only when a cost plus form of contract is used. Further, it would eliminate the requirement that the amount of the loan be adjusted to reflect the actual cost to the borrower of the improvements.

**I. Eligible borrowers.** In § 232.615, the proposed rule would revise the definition of "eligible borrowers" to eliminate all references to the facility meeting HHS health and safety requirements. However, the proposed rule would retain the provision that requires the facility to meet HHS fire safety requirements. HUD's proposed changes reflect that the Subpart C regulations are about FHA-insured healthcare facilities having the appropriate fire safety equipment and were not promulgated to implement all requirements that HHS may require of healthcare facility providers to ensure eligibility to receive Medicare and Medicaid services.

**J. Determination of compliance with HHS.** In § 232.620, the proposed rule would eliminate the requirement that an

application for fire safety equipment be accompanied by a statement from HHS or the HHS Secretary's designee, such as a State, that the facility will meet pertinent health and safety requirements of HHS—other than the fire safety equipment requirements—once the fire safety equipment has been installed. Instead of this requirement, the proposed rule would substitute a reference to certification of compliance with HHS, Federal, state and local requirements for fire safety equipment to be provided prior to endorsement. The proposed language in this section would maintain consistency with the changes made in § 232.615 and the changes are made for the same reason.

### III. Findings and Certifications

#### *Regulatory Review—Executive Orders 12866 and 13563*

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are "outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned." Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

Because this proposed rule merely updates out-of-date practices, streamlines requirements and reduces burdens, it is not determined to be a "significant regulatory action" as defined in section 3(f) of Executive Order 12866. By updating the regulations in this way, FHA is not causing a material effect on the economy, interfering with an action or planned action of another agency, materially changing the budgetary impact of the loan program or the rights or obligations of its recipients, or raising any novel legal or policy issues. The proposed rule simply consolidates fees, allows the Secretary discretion in setting fees consistent with section 207(d) of the National Housing Act, and streamlines the loan application process. Furthermore, the proposed rule comports with the directive of Executive Order 13563. As stated in the preamble,

the regulations being modified have not been substantially updated for a long time.

#### *Paperwork Reduction Act*

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and approved under OMB control numbers 2502–0605 and 2502–0541. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

#### *Environmental Review*

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding is available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the Finding by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339.

#### *Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This rule would not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The proposed rule imposes no requirements on small businesses. In fact, streamlining FSELP requirements should ease an existing burden on those small businesses seeking to accommodate acute care patients and those needing to upgrade or install fire safety equipment to meet HHS requirements.

Accordingly, the undersigned certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this rule will not have a significant effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in the preamble to this rule.

#### *Executive Order 13132, Federalism*

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

#### *Catalogue of Federal Domestic Assistance*

The Catalogue of Federal Domestic Assistance Number for the Mortgage Insurance Nursing Homes, Intermediate Care Facilities, Board and Care Homes and Assisted Living Facilities is 14.129; for Mortgage Insurance-Rental Housing is 14.134; for Mortgage Insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects is 14.155.

#### **List of Subjects**

##### *24 CFR Part 200*

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping.

##### *24 CFR Part 232*

Fire prevention, Health facilities, Loan programs—health, Loan programs—housing and community development, Mortgage insurance, Nursing homes,

Reporting and recordkeeping requirements.

Accordingly, for the reasons stated above, HUD proposes to amend 24 CFR parts 200 and 232 as follows:

#### **PART 200—INTRODUCTION TO FHA PROGRAMS**

■ 1. The authority citation for 24 CFR part 200 continues to read as follows:

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

■ 2. Amend § 200.40 by:

■ a. Redesignate paragraph (d) as paragraph (d)(1);

■ b. Revise the paragraph heading and first sentence of newly redesignated (d)(1); and

■ c. Add paragraph (d)(2).

The revisions and addition read as follows:

##### **§ 200.40 HUD fees.**

\* \* \* \* \*

(d)(1) *Application fee—firm commitment: General.* An application for firm commitment shall be accompanied by an application-commitment fee in an amount determined by the Secretary, which when added to any prior fees received in connection with the same application, shall not exceed \$5.00 per thousand dollars of the requested mortgage amount to be insured. \* \* \*

(2) *Application fee—Section 232 Programs.* For purposes of mortgages insured under HUD's regulations in 24 CFR part 232, subpart C, an application for firm commitment shall be accompanied by an application fee in an amount determined by the Secretary, which shall not exceed \$5.00 per thousand dollars of the requested mortgage amount to be insured.

\* \* \* \* \*

#### **PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, BOARD AND CARE HOMES, AND ASSISTED LIVING FACILITIES**

■ 3. The authority citation for 24 CFR part 232 continues to read as follows:

**Authority:** 12 U.S.C. 1715b; 1715w; 42 U.S.C. 3535(d).

##### **Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment**

■ 4. In § 232.500, revise paragraphs (c)(1) and (e) to read as follows:

##### **§ 232.500 Definitions.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) The edition of The Life Safety Code of the National Fire Protection Association as accepted by the Department of Health and Human Services in 42 CFR 483.70; or

(ii) A standard mandated by a State under the provisions of section 1616(e) of the Social Security Act.

\* \* \* \* \*

(e) *Equipment cost* means the reasonable cost of fire safety equipment fully installed as determined by the Commissioner.

\* \* \* \* \*

■ 5. Amend § 232.505 by:

■ a. Removing paragraph (a); and  
■ b. Redesignating paragraphs (b) and (c) as paragraphs (a) and (b), and revising the newly redesignated paragraphs.

The revisions read as follows:

**§ 232.505 Application and application fee.**

(a) *Filing of application.* An application for insurance of a fire safety loan for a nursing home, intermediate care facility, assisted living facility or board and care home shall be submitted on an approved HUD form by an approved lender and by the owners of the project to the HUD office.

(b) *Application fee.* See 24 CFR 200.40(d)(2).

■ 6. Amend § 232.510 by:

(a) Revising paragraphs (b), (c) and (d);

(b) Removing paragraph (e); and

(c) Redesignating paragraph (f) as paragraph (e) and revising newly designated paragraph (e) to read as follows:

**§ 232.510 Commitment and commitment fee.**

\* \* \* \* \*

(b) *Type of commitment.* The commitment will provide for the insurance of the loan after satisfactory completion of installation of the fire safety equipment, as determined by the Commissioner.

(c) *Term of commitment.* A commitment shall have a term as the Commissioner deems necessary for satisfactory completion of installation.

(d) *Commitment fee.* See 24 CFR 200.40(d)(2).

(e) *Increase in commitment prior to endorsement.* An application, filed prior to endorsement, for an increase in the amount of an outstanding firm commitment shall be accompanied by an additional application fee. The additional application fee shall be in an amount determined by the Secretary equal to the amount determined under 24 CFR 200.40(d)(2), which shall not exceed \$5.00 per thousand dollars of the

amount of the requested increase. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the inspection fee required in the original commitment. The additional inspection fee shall be paid prior to the date installation of fire safety equipment is begun, or, if installation has begun, it shall be paid with the application for increase.

■ 7. Revise § 232.515 to read as follows:

**§ 232.515 Refund of fees.**

If the amount of the commitment issued or an increase in loan prior to endorsement is less than the amount applied for, the Commissioner shall refund the excess amount of the application fee submitted by the applicant. If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant.

■ 8. Revise § 232.520 to read as follows:

**§ 232.520 Maximum fees and charges by lender.**

See 24 CFR 200.40 titled “HUD fees” and 200.41 titled “Maximum mortgage fees and charges” for maximum fees and charges applicable to mortgages insured under 24 CFR part 232.

■ 9. Revise § 232.522 to read as follows:

**§ 232.522 Inspection fee.**

See 24 CFR 200.40 titled “HUD fees” and 200.41 titled “Maximum mortgage fees and charges” for maximum fees and charges applicable to mortgages insured under 24 CFR part 232.

■ 10. Revise § 232.540 to read as follows:

**§ 232.540 Method of loan payment and amortization period.**

See 24 CFR 200.82 titled “Maturity” for loan payment and amortization period requirements applicable to mortgages insured under 24 CFR part 232.

■ 11. In § 232.565, revise the first sentence to read as follows:

**§ 232.565 Maximum loan amount.**

The principal amount of the loan shall not exceed the lower of the Commissioner’s estimate of the cost of the fire safety equipment, including the cost of installation and eligible fees, or the amount supported by ninety percent (90%) of the residual income, which is ninety percent (90%) of the amount of net income remaining after payment of

all existing debt service requirements, as determined by the Commissioner. \* \* \*

■ 12. In § 232.570, revise paragraph (c) to read as follows:

**§ 232.570 Endorsement of credit instrument.**

\* \* \* \* \*

(c) Certification that fire safety equipment was installed as required by § 232.500(c).

■ 13. Revise § 232.605 to read as follows:

**§ 232.605 Contract requirements.**

The contract between the mortgagor and the general contractor may be in the form of a lump sum contract, a cost plus contract, or different or alternative forms of contract specified by the Commissioner.

■ 14. In § 232.610, revise paragraph (a) to read as follows:

**§ 232.610 Certification of cost requirements.**

(a) *Certificate and adjustment.* No loan shall be insured unless a certification of actual cost is made by the contractor.

\* \* \* \* \*

■ 15. In § 232.615, revise paragraph (a) to read as follows:

**§ 232.615 Eligible borrowers.**

(a) In order to be eligible as a borrower under this subpart the applicant shall be a profit or non-profit entity, which owns a nursing home or intermediate care facility for which the Secretary of Health and Human Services has determined that the installation of fire safety equipment in such facility is necessary to meet the applicable requirements of the Secretary of Health and Human Services for providers of services under Title XVIII and Title XIX of the Social Security Act and that upon completion of the installation of such equipment the nursing home or intermediate care facility will meet the applicable fire safety requirements of HHS. Until the termination of all obligations of the Commissioner under an insurance contract under this subpart and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the loan, the borrower shall be regulated or restricted by the Commissioner as to methods of operation including requirements for maintenance of fire safety equipment.

\* \* \* \* \*

■ 16. Revise § 232.620 to read as follows:

**§ 232.620 Determination of compliance with fire safety equipment requirements.**

Prior to Endorsement, applicant must provide certification that the installed

improvements will meet HHS, as well as all other Federal, state and local requirements for fire safety equipment, if applicable.

Dated: December 16, 2014.

**Biniam Gebre,**

*Acting Assistant Secretary for Housing—  
Federal Housing Commissioner.*

[FR Doc. 2015-00373 Filed 1-13-15; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Parts 880, 881, 883, 884, 886, and 891

[Docket No. FR-5654-P-01]

RIN 2502-AJ22

#### Streamlining Management and Occupancy Reviews for Section 8 Housing Assistance Programs and Amending Vacancy Payments for Section 8 and Section 162 Housing Assistance Programs

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend existing project-based Section 8 regulations related to Management and Occupancy Reviews (MORs) and Vacancy Payments for the following programs: the Section 8 Housing Assistance Payments (HAP) Programs for New Construction, Substantial Rehabilitation, State Housing Agencies, New Construction financed under Section 515 of the Housing Act of 1949, the Loan Management Set-Aside Program, the HAP Program for the Disposition of HUD-Owned Projects, and the Section 202/8 Program. This rule would also amend the existing Section 162 regulations related to Vacancy Payments for the Section 202 Projects. Under this rule, MORs would be conducted in accordance with a schedule published in the **Federal Register** and subject to public comment. The first such schedule is being published for comment concurrently with this proposed rule, and can be found elsewhere in today's **Federal Register**. HUD is proposing this change in order to reduce the frequency of MORs, thereby minimizing interruptions in property operations created by onsite reviews, preserving staff time, and reducing costs. In addition, this proposed rule would reduce the vacancy payments made to the owner by HUD for a vacant assisted unit.

**DATES:** *Comment Due Date.* March 16, 2015.

**ADDRESSES:** Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, 451 7th Street SW., Room 10276, Department of Housing and Urban Development, Washington, DC 20410-0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

#### 1. *Submission of Comments by Mail.*

Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500.

#### 2. *Electronic Submission of*

*Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit comments, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the [www.regulations.gov](http://www.regulations.gov) Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

*No Facsimile Comments.* Facsimile (FAX) comments are not acceptable.

*Public Inspection of Public Comments.* All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. Eastern Time weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Relay Service at 800-877-8339. Copies of all comments submitted are available for inspection and downloading at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** For information about management and occupancy reviews contact Lauryn Alleva, Program Administration Office, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410-7000; telephone number 202-708-3730 (this is not a toll-free number). For information about vacancy claims, contact Yvette Viviani, Housing Assistance Policy Division, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410-7000; telephone number 202-708-3000 (this is not a toll-free number). Hearing- and speech-impaired persons may access these numbers through TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number).

## SUPPLEMENTARY INFORMATION:

### I. Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) authorizes one of HUD's primary programs for providing rental housing assistance (Section 8). The purpose of Section 8 is to provide low-income families with decent, safe, and sanitary rental housing. The Section 8 program includes a project-based program and a tenant-based housing choice program. Under the project-based program, HUD may enter into an annual contributions contract (ACC) with a public housing agency (PHA) through which HUD commits to provide the agency with funds to make housing assistance payments to a project owner. The PHA or state agency, acting as a contract administrator, then enters into a Housing Assistance Payments (HAP) contract with the owner. Under the HAP contract, the contract administrator agrees to subsidize certain units for a specified period of time for eligible low-income families. In certain circumstances HUD may act as the contract administrator, whereby HUD will directly enter into a HAP contract with an owner.

There are seven project-based Section 8 HAP programs administered by the Office of Multifamily Housing Programs: The HAP program for New Construction (24 CFR part 880) and the HAP program for Substantial Rehabilitation (24 CFR part 881), which provide rental assistance in connection with the development of newly constructed or substantially rehabilitated privately owned rental housing; the HAP Program for State Housing Agencies (24 CFR part 883); the HAP program for New

Construction financed under Section 515 of the Housing Act of 1949 (24 CFR part 884), which applies to U.S. Department of Agriculture rural rental housing projects; the Loan Management Set Aside Program (24 CFR part 886, subpart A), which provides rental subsidies to HUD-insured or HUD-held multifamily properties experiencing immediate or potential financial difficulties; the Housing Assistance Program for the Disposition of HUD-Owned Projects (24 CFR part 886, subpart C), which provides Section 8 assistance in connection with the sale of HUD-owned multifamily rental housing projects and the foreclosure of HUD-held mortgages on rental housing projects; and the Section 202/8 Program (24 CFR part 891, subpart E), which provides assistance for housing projects serving elderly or families and individuals with disabilities.

Section 162 Project Assistance Contracts (PACs) were authorized under the now repealed Section 202(h) of the Housing Act of 1959 (12 U.S.C. 1701q). Although the program was repealed, Section 162 PACs are still renewed under the Section 162 program. Section 162 renewals provide funding for projects under the Section 202 Direct Loan Program for the Elderly and targeted persons with disabilities. A PAC is similar to the ACC in the Section 8 projects and the program operates under the same terms as the Section 8 program.

#### *A. Management and Occupancy Reviews*

Contract administrators in the Section 8 above-listed programs are responsible for assessing the management and oversight of housing projects and for ensuring that owners comply with the requirements of the HAP contract. In order to assess an owner's compliance with the terms and conditions of its HAP contract, contract administrators conduct management and occupancy reviews (MORs).

Under existing regulations, the frequency of MORs across the seven project-based Section 8 programs administered by the Office of Multifamily Housing is inconsistent. Contract administrators in the HAP New Construction Program, HAP Substantial Rehabilitation Program, and HAP State Housing Agencies Program are required to review a project's operations "at least annually" to determine whether the owner is in compliance with the HAP contract. The regulations for the HAP Program for Section 515 projects, the Loan Management Set-Aside Program, and the Housing Assistance Program for the Disposition of HUD-Owned Projects

are less prescriptive and only require that HUD review project operations "at such intervals as it deems necessary" to ensure an owner is in compliance with its HAP contract. Lastly, the Section 202/8 program regulations provide no reference to the frequency of MORs.

Completion of MORs can require Contract Administrators to visit the site and can cause interruption in project operations. The Contract Administrator spends approximately 8 hours of staff time and additional resources to review every project. HUD has found that in recent years projects have been rated "Above Average" or "Superior" 35 percent of the time, "Satisfactory" 57 percent of the time, and "Below Average" or "Unsatisfactory" eight percent of the time. A full or limited review of all projects, including those that consistently receive high marks, puts a strain on HUD and project resources.

#### *B. Vacancy Payments*

Under section 8(c)(4) of the United States Housing Act of 1937, a HAP contract providing project-based rental assistance may contain payments for vacant units. Similarly, a PAC may contain payments for vacant units. A contract administrator may continue to provide assistance under the contract for a dwelling unit that remains vacant after the effective date of the contract or a dwelling unit that becomes vacant only if the vacancy was not the fault of the owner of the dwelling unit, and the agency and the owner take every reasonable action to minimize the likelihood and extent of any such vacancy.

Under current regulations, an owner is entitled to vacancy payments in the amount of 80 percent of the contract rent for a period of no more than 60 days after initial rent up or after an eligible family vacates the unit. These vacancy payments are made as part of an owner's monthly HAP or PAC payment. If the vacancy persists past the 60 days, an owner may also receive additional vacancy payments in an amount equal to the principal and interest payments required to amortize that portion of the debt service attributable to the vacant unit for up to 12 additional months (debt-service vacancy payments). Debt-service vacancy payments are made semi-annually by the contract administrator upon request by the owner. In either case, an owner is not entitled to vacancy payments for vacant units to the extent he can collect for the vacancy from other sources (such as security deposits and governmental payments under other programs). Additionally, an owner is

only eligible for payments if during the vacancy period for which payment is claimed an owner continues to market the unit in accordance with HUD requirements, takes all feasible actions to fill the vacancy, does not reject an eligible applicant except for good cause acceptable to the contract administrator, and maintains the unit in decent, safe, and sanitary conditions.

HUD has observed that the 60-day period for vacancy payments may be too long; resulting in contract units staying vacant for longer periods and extending the time it takes for eligible families to secure housing.

## **II. This Proposed Rule—Overview**

### *A. Management and Occupancy Reviews*

HUD is proposing to revise the regulations that govern MORs for Section 8 HAP projects to provide consistency across programs and allow HUD the flexibility to set a schedule that is more in-line with the needs of the programs. Because many of the properties that receive assistance under a Section 8 HAP program have consistently received high marks on their MORs, reducing the frequency of MORs for these properties would result in fewer interruptions in project operations and would allow HUD to focus its staff and resources on areas that require greater attention. HUD proposes to amend the project-based Section 8 HAP program regulations to require that MORs be conducted in accordance with a schedule set out by the Secretary as published in the **Federal Register**, following notice and comment. HUD's proposal would adopt this new language in 24 CFR 880.612, 884.224, 886.130, and 886.355, and would re-title these sections "Management and occupancy reviews." Additionally, this proposal would add a new § 891.582, also titled "Management and occupancy reviews." Because the cross-reference in 24 CFR 881.601 and 24 CFR 883.701 includes 24 CFR 880.612, this new MOR requirement would also apply to the HAP Substantial Rehabilitation Program and the HAP Program for State Housing Agencies, respectively, without changes being made to the regulations that are specific for those programs.

The first proposed schedule for MORs is published elsewhere in today's **Federal Register** and HUD invites public comment on that schedule. As provided in that notice, although HUD is proposing a schedule for MORs that is based on both a project's annual MOR rating and a HUD risk-based management model, nothing in this

proposed rule nor the accompanying notice restricts HUD or the Contract Administrator from conducting additional MORs outside of this schedule pursuant to existing and future administrative guidelines.

#### *B. Vacancy Payments*

HUD is also proposing to revise the regulations that permit owners of Section 8 HAP projects and Section 162 PAC projects to collect vacancy payments in the amount of 80 percent of the contract rent for the first 60 days of a vacancy. HUD has observed that since vacancy payments are only available once units are ready to be rented, owners typically turn around a unit in 30 days rather than collect a reduced vacancy payment. HUD also wants to incentivize owners, when appropriate, to see that vacant units are rented more expeditiously to eligible individuals and families. The proposed rule would provide that owners could receive vacancy payments in the amount of 80 percent of the contract rent for the first 30 days of a vacancy in place of the current 60 days of a vacancy. This proposed rule would not preempt existing HAP contracts and renewal contracts under the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) (MAHRA) that include a 60 day period for vacancy payments; however, all future renewal contracts under MAHRA will reflect this new requirement. Additionally, the proposed rule would not preempt existing PAC and renewals; however, all future renewals would reflect this requirement. Owners may still apply for additional debt-service vacancy payments for up to 12 months after receiving the first 30 days of vacancy payments at 80 percent of the contract rent.

The proposed change would amend the vacancy payment references to the first 60 days in all seven project-based Section 8 HAP programs administered by the Office of Multifamily Housing and Section 162 program regulations. Specifically, HUD proposes to amend the “vacancy payment” definition to remove the reference to the length of the vacancy period in §§ 880.201, 881.201, 883.302, 891.520, and 891.655. HUD also proposes to remove the reference to “the first 60 days” and replace it with “the first 30 days of a vacancy” and remove any cross-references to the 60 day time period by amending the provisions describing the length of vacancy payment periods in §§ 880.501, 880.611, 881.501, 883.602, 884.106, 886.109, 886.309, 891.560, 891.650, 891.705, and 891.790. This proposed rule would also amend the provision

regarding the length of the vacancy payment period in § 886.309(d) so that it is consistent with all the other vacancy length payment provisions, and amends § 886.109 to distinguish between vacancies during rent-up, vacancies after rent-up and debt-service vacancy payments. Additionally, HUD proposes to change headings in §§ 880.611, 886.106, 886.309, 891.650(d), and 891.790 for consistency with the other sections.

### **III. Findings and Certifications**

#### *Regulatory Review—Executive Orders 12866 and 13563*

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulation and Regulatory Review) directs executive agencies to analyze regulations that are “outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.” Executive Order 13563 also directs that where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

This rule was determined to be a significant regulatory action under section 3(f) of Executive Order 12866. More importantly, for HUD program participants, this rule is part of HUD’s retrospective review carried out under Executive Order 13563, and designed to reduce burden on well-performing program participants.

#### *Need for Regulatory Action*

Executive Order 12866 emphasizes that “Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people.” Because the schedule for MORs was established by regulation, HUD (1) can only reduce burden for those programs required to have annual MORs, and (2) bring consistency to the schedule for MORs for the other programs, through regulation. Moreover, HUD has determined that the current MORs

schedule is inconsistent and, as currently codified, places a strain on HUD resources and on projects that consistently receive high marks on their MORs. As described in this preamble, HUD has recently determined that projects have been rated as “Above Average”, “Superior”, or “Satisfactory” 92 percent of the time. This fact, and the costs placed on projects to prepare for a MOR and that may result from the interruption in normal operations caused by a MOR, makes reducing this burden an important topic for rulemaking.

Similarly, HUD can only reduce the period of vacancy payments from 60 days to 30 days for the purpose of turning units around more quickly for the next individual or family ready to occupy the unit by regulation. Additionally, while vacancy payments are only available once the unit is ready to be rented, this rule proposes to further reduce any incentive for owners not to rent the unit as quickly as possible. This is consistent with the need to ensure a constant supply of affordable housing. As a result, consistent with Executive Order 13563, this rulemaking is intended to modify, streamline, or repeal burdensome regulations. Thus, the placement of this proposed rule on HUD’s Retrospective Review Plan. See page 6 of HUD’s updated Retrospective Review Plan at [http://portal.hud.gov/hudportal/documents/huddoc?id=EO13563\\_PLAN.PDF](http://portal.hud.gov/hudportal/documents/huddoc?id=EO13563_PLAN.PDF).

#### *Discussion of Costs and Benefits*

As discussed in this preamble, the proposed amendments to the MORs regulations would provide consistency to the scheduling of MORs and allow HUD to issue the schedule by publishing it in the **Federal Register**, subject to public comment. Because many of the properties that receive assistance under a Section 8 HAP contract have consistently received high marks on their MORs, reducing the frequency of a MOR would result in fewer interruptions in project operations.

The purpose of a MOR is to verify compliance of the property with the terms of the HAP contract. Scheduling of the MOR begins with a letter sent to the owner generally 30 days, but at least 2 weeks, in advance of the date the MOR is to be undertaken. The on-site review by HUD involves inspection of a sampling of units. The owner is responsible for providing notice to residents that their units may be chosen for inspection. The review also involves a determination of owner compliance with civil rights regulations, including

Title VI, Title VII, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973. Before the actual inspection by HUD, HUD will review property status by referring to the last inspection performed, and note any exigent health and safety concerns previously identified. HUD will also review complaints from residents, congressional inquiries and media reports, if any, to verify all concerns were responded to in a timely manner. Any contractual violations and imposed sanctions will also be reviewed. As this description of an MOR reveals, it is not an insignificant process, but for those properties that consistently receive high marks, HUD concluded that it can and should reduce, the frequency of MORs. In reaching this conclusion, HUD has also determined that the deficiencies found in MORs of properties that receive high marks do not offset the costs to the project in preparing for the MOR and in the disruption to normal property operations that inevitably accompany a MOR.

With respect to vacancy payments, the proposed amendments to the vacancy payments regulations would make units available to eligible families earlier rather than later and further incentivize owners to rent the unit as quickly as possible. As the need for affordable housing remains constant, it is important that owner provide for occupancy of vacant units at the earliest date possible. As noted earlier in this preamble, vacancy payments are only available once units are ready to be rented, meaning that units are decent, safe, and in sanitary condition and are therefore available for occupancy. Vacancy payments are not paid for the days that a unit is being prepared for occupancy. HUD has observed that owners typically turn around a unit in 30 days rather than collect a reduced vacancy payment. Therefore, the amendment largely reflects existing practice among owners. The number of units receiving vacancy payments is small relative to the total number of units utilized in project-based section 8. For those owners that may not move to rent units as quickly as HUD hopes or expects, the reduction of vacancy payments to a 30-day period should incentivize these owners to take actions that will result in available units being promptly rented.

HUD first provided notification of its intention to reduce vacancy payments from 60 days to 30 days in its FY 2013 Congressional Justifications.<sup>1</sup> HUD was unable to move to implement the

proposals in the FY 2013 Congressional Justification as early as HUD had intended. However, the proposal to reduce vacancy payments from 60 days to 30 days remained in HUD's FY 2014 Congressional Justification and HUD's FY 2015 Congressional Justification<sup>2</sup> and, through this rule, HUD proposes to proceed to implement the reduced vacancy payment amendment.

Due to data limitations, HUD is unable to determine the aggregate saving resulting from reducing the vacancy payment to 30 days. HUD estimates, however, that taxpayers as a whole will realize a benefit from the shorter payment period and from the incentive for owners created by the rule to take actions that will result in available units being more promptly rented. These changes would result in a savings to the government and represents a transfer from owners to the taxpayer.

#### *Information Collection Requirements*

The information collection requirements for this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control numbers 2502–0178. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number. The overall burden of this collection would be reduced, however, by the reducing the frequency of MORs for properties that perform well. As discussed in HUD's notice proposing the MOR schedule for comment published elsewhere in today's **Federal Register**, HUD has determined that the net reduction of burden resulting from this rule represents a 73 percent savings from that currently codified. The public is referred to HUD's notice for addition information regarding the determination of this savings.

#### *Environmental Impact*

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations

Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

#### *Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and on the private sector. This proposed rule does not impose a federal mandate on any state, local, or tribal government, or on the private sector, within the meaning of UMRA.

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. It is HUD's position that the burden reduction measures provided by this rule would not have a significant economic impact (beneficial or adverse) on a substantial number of small entities.

As noted earlier in this preamble, this proposed rule is one of the regulatory actions being undertaken as part of HUD's Retrospective Review Plan, established in accordance with Executive Order 13563. The primary focus of this rule is to reduce burden, but reduce burden for project owners that manage their projects well in accordance with HUD regulations. In establishing requirements as to how HUD subsidized housing is to be managed and administered, the requirements are not based on whether a project owner is a large entity or small entity. The focus of such requirements is on ensuring that the units that HUD subsidizes are decent, safe and sanitary and are made available to eligible tenants in a nondiscriminatory manner. These are not requirements that HUD can alter on the basis that a project owner is a small entity. However, this rule reduces burden for all project owners, large or small, that manage their properties well in accordance with HUD

<sup>1</sup> See [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/cfo/reports/2013/main\\_toc](http://portal.hud.gov/hudportal/HUD?src=/program_offices/cfo/reports/2013/main_toc).

<sup>2</sup> See respectively page Y–2 at <http://portal.hud.gov/hudportal/documents/huddoc?id=PROJBASDRA.pdf> and page Y–3 at [http://portal.hud.gov/hudportal/documents/huddoc?id=fy15cj\\_pbra.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=fy15cj_pbra.pdf).



regulations and score well under the MOR rating system. This proposed rule would provide that for these properties there is no need for an annual MOR, reduce burden for the project owner, whether such owner is a large or small entity.

The proposal to reduce the period in which HUD will provide vacancy payments from 60 days to 30 days is also a proposal directed to project owners that manage their projects well. As noted earlier in this preamble, the majority of project owners rent vacant units (units ready for occupancy) within 30 days, and therefore the reduction of the vacancy payment period from 60 to 30 days will have minimal impact. As also noted earlier in this preamble, since 2013, HUD has alerted owners of its intention to reduce the vacancy payment period from 60 to 30 days. For owners that may regularly or from time-to-time undertake little effort to rent a vacant unit within 30 days of availability for occupancy, the reduction is intended to serve as motivation to rent the vacant unit within 30 days. The rule would not remove the option in the existing regulations that allow owners to apply for additional debt-service vacancy payments for up to 12 months after receiving the first 30-days of vacancy payments at 80 percent of the contract rent. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Notwithstanding HUD's determination that this rule will not have a significant effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

#### *Executive Order 13132, Federalism*

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either (1) imposes substantial direct compliance costs on state and local governments and is not required by statute, or (2) preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments nor preempt state law within the meaning of the Executive Order.

#### *Catalog of Federal Domestic Assistance*

The Catalog of Federal Domestic Assistance number applicable to the programs that would be affected by this rule is 14.195.

#### **List of Subjects**

##### *24 CFR Part 880*

Annual contributions contract, audit, construction, contract administration, financing, housing assistance, housing assistance payments contract, management, new construction, owner, public housing agency, property standards, rent, section 8, tenants, and units.

##### *24 CFR Part 881*

Annual contributions contract, audit, contract administration, conversion, housing assistance, housing assistance payments contract, inspections, low-income family, owner, public housing agency, rent, section 8, substantial rehabilitation, tenants, and units.

##### *24 CFR Part 883*

Annual contributions contract, audit, contract administration, housing finance agencies, housing assistance, housing assistance payments contract, low-income family, owner, rent, section 8, substantial rehabilitation, state agencies, tenants, and units.

##### *24 CFR Part 884*

Annual contributions contract, audit, contract administration, conversion, housing assistance, housing assistance payments contract, income limit, inspections, low-income family, maintenance, new construction, owner, public housing agency, rent, rural housing, section 8, security deposits, tenants, units, and utility deposits.

##### *24 CFR Part 886*

Audit, contract administration, housing assistance, housing assistance payments contract, income, inspection, maintenance, marketing, mortgages, owner, rehabilitation, rent, section 8, security deposits, special allocations, tenants, units, and utility deposits.

##### *24 CFR Parts 891*

Capital advances, persons with disabilities, project rental assistance, rent, section 8, supportive housing for persons with disabilities, supportive services, tenants, and units.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 880, 881, 883, 884, 886, and 891 as follows:

#### **PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION**

■ 1. The authority citation for 24 CFR part 880 continues to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

■ 2. In § 880.201, revise the definition of "Vacancy payment" to read as follows:

##### **§ 880.201 Definitions.**

\* \* \* \* \*

*Vacancy payment.* The housing assistance payment made to the owner by the contract administrator for a vacant assisted unit if certain conditions are fulfilled.

\* \* \* \* \*

■ 3. In § 880.501, revise paragraphs (c), (d)(2) and (3) to read as follows:

##### **§ 880.501 The contract.**

\* \* \* \* \*

(c) *Housing Assistance Payments to Owners under the Contract.* (1) The housing assistance payments made under the Contract are:

(i) Payments to the owner to assist eligible families leasing assisted units, and

(ii) Payments to the owner for vacant assisted units ("vacancy payments") if the conditions specified in § 880.611 are satisfied.

(2) The housing assistance payments are made monthly by the contract administrator upon proper requisition by the owner, except payments for vacancies under paragraph (d)(3) of this section, which are made semi-annually by the contract administrator upon requisition by the owner.

(d) \* \* \*

(2) A housing assistance payment will be made to the owner for a vacant assisted unit in an amount equal to 80 percent of the contract rent for the first 30 days of a vacancy, subject to the conditions in § 880.611. If the owner collects any tenant rent or other amount for this period which, when added to this vacancy payment, exceeds the contract rent, the excess must be repaid as HUD directs.

(3) For a vacancy that exceeds the vacancy period in paragraph (d)(2) of this section, a housing assistance payment for the vacant unit will be made, subject to the conditions in § 880.611, in an amount equal to the principal and interest payments required to amortize that portion of the debt attributable to the vacant unit for up to 12 additional months.

\* \* \* \* \*

■ 4. In § 880.611, revise the introductory text of paragraphs (b), (c), and (d) to read as follows:



**§ 880.611 Conditions for receipt of vacancy payments.**

\* \* \* \*

(b) *Vacancies during Rent-up.* For each assisted unit that is not leased as of the effective date of the Contract, the owner is entitled to vacancy payments in the amount of 80 percent of the contract rent for the first 30 days of a vacancy, if the owner: \* \* \*

(c) *Vacancies after Rent-Up.* If an eligible family vacates a unit, the owner is entitled to vacancy payments in the amount of 80 percent of the contract rent for the first 30 days of a vacancy, if the owner: \* \* \*

(d) *Debt-service vacancy payments.* If an assisted unit continues to be vacant after the vacancy period specified in paragraph (b) or (c) of this section, the owner may apply to receive additional vacancy payments in an amount equal to the principal and interest payments required to amortize that portion of the debt service attributable to the vacant unit for up to 12 additional months for the unit if:

\* \* \* \*

■ 5. Revise § 880.612 to read as follows:

**§ 880.612 Management and occupancy reviews.**

(a) The contract administrator will conduct management and occupancy reviews to determine whether the owner is in compliance with the Contract. Such reviews will be conducted in accordance with a schedule set out by the Secretary and published in the **Federal Register**, following notice and the opportunity to comment.

(b) HUD may independently inspect project operations and units at any time.

(c) Equal Opportunity reviews may be conducted by HUD at any time.

**PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION**

■ 6. The authority citation for 24 CFR part 881 continues to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

■ 7. In § 881.201, revise the definition of “Vacancy payment” to read as follows:

**§ 881.201 Definitions.**

\* \* \* \*

*Vacancy payment.* The housing assistance payment made to the owner by the contract administrator for a vacant assisted unit if certain conditions are fulfilled.

\* \* \* \*

■ 8. In § 881.501,

■ a. Revise paragraph (c)(2);

■ b. Redesignate the undesignated paragraph in paragraph (c) as (c)(3) and

revise the newly redesignated paragraph; and

■ c. Revise paragraphs (d)(2) and (3) to read as follows:

**§ 881.501 The contract.**

\* \* \* \*

(c) \* \* \*

(2) Payments to the owner for vacant assisted units (“vacancy payments”) if the conditions specified in § 880.611 of this chapter are satisfied.

(3) The housing assistance payments are made monthly by the contract administrator upon proper requisition by the owner, except payments under paragraph (d)(3), which are made semi-annually by the contract administrator upon requisition by the owner.

(d) \* \* \*

(2) A housing assistance payment will be made to the owner for a vacant assisted unit in an amount equal to 80 percent of the contract rent for the first 30 days of a vacancy, subject to the conditions in § 880.611 of this chapter. If the owner collects any tenant rent or other amount for this period which, when added to this vacancy payment, exceeds the contract rent, the excess must be repaid as HUD directs.

(3) For a vacancy that exceeds the vacancy period in paragraph (d)(2), a housing assistance payment for the vacant unit will be made, subject to the conditions in § 880.611 of this chapter, in an amount equal to the principal and interest payments required to amortize that portion of the debt attributable to the vacant unit for up to 12 additional months.

\* \* \* \*

**PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES**

■ 9. The authority citation for 24 CFR part 883 continues to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

■ 10. In § 883.302, revise the definition of “Vacancy payment” to read as follows:

**§ 883.302 Definitions.**

\* \* \* \*

*Vacancy payments.* The housing assistance payment made to the owner by the State Agency for a vacant, assisted unit if certain conditions are fulfilled.

\* \* \* \*

■ 11. In § 883.602:

■ a. Redesignate the undesignated paragraph in paragraph (b) as (b)(3) and revise the newly redesignated paragraph; and

■ b. Revise paragraphs (c)(2) and (3) to read as follows:

**§ 883.602 The contract.**

\* \* \* \*

(b) \* \* \*

(3) The housing assistance payments are made monthly by the State Agency upon proper requisition by the owner, except payments under paragraph (c)(3) of this section, which are made semi-annually by the Agency upon proper requisition by the owner.

(c) \* \* \*

(2) A housing assistance payment will be made to the owner for a vacant assisted unit in an amount equal to 80 percent of the contract rent for the first 30 days of a vacancy, subject to the conditions in § 880.611 of this chapter. If the owner collects any tenant rent or other amount for this period which, when added to this vacancy payment, exceeds the contract rent, the excess must be repaid as the Agency directs in accordance with HUD guidelines.

(3) For a vacancy that exceeds the vacancy period in paragraph (c)(2) of this section, a housing assistance payment for the vacant unit will be made, subject to the conditions in § 880.611 of this chapter, in an amount equal to the principal and interest payments required to amortize that portion of the debt attributable to the vacant unit for up to 12 additional months.

\* \* \* \*

**PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS**

■ 12. The authority citation for 24 CFR part 884 continues to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

■ 13. In § 884.106, revise the introductory text of paragraphs (b) and paragraph (c)(1), and revise paragraph (d)(1) to read as follows:

**§ 884.106 Housing assistance payment to owners.**

\* \* \* \*

(b) *Vacancies during rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the first 30 days of a vacancy, in accordance with the procedure set forth in § 884.213(b):

\* \* \*

(c) *Vacancies after rent-up.* (1) If an Eligible Family vacates its unit (other than as a result of action by the Owner

which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for the first 30 days of a vacancy; provided, however, That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct. (See also § 884.115). The Owner shall not be entitled to any payment under this paragraph (c)(1) unless the Owner:

\* \* \*

\* \* \* \* \*

(d) *Debt-service vacancy payments.*

(1) If a unit continues to be vacant after the vacancy period specified in paragraph (b) or (c) of this section, the owner may submit a claim to receive additional housing assistance payments on a semiannual basis with respect to the vacant unit in an amount equal to the principal and interest payments required to amortize the portion of the debt attributable to that unit for the period of the vacancy, whether the vacancy commenced during rent-up or after rent-up.

\* \* \* \* \*

■ 14. Revise § 884.224 to read as follows:

**§ 884.224 Management and occupancy reviews.**

(a) The contract administrator will conduct management and occupancy reviews to determine whether the owner is in compliance with the Contract. Such reviews will be conducted in accordance with a schedule set out by the Secretary and published in the **Federal Register**, following notice and the opportunity to comment.

(b) HUD may independently inspect project operations and units at any time.

(c) Equal Opportunity reviews may be conducted by HUD at any time.

**PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS**

■ 15. The authority citation for 24 CFR part 886 continues to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

■ 16. In § 886.109, revise paragraph (c) and add paragraphs (d), (e), (f), and (g) to read as follows:

**§ 886.109 Housing assistance payments to owners.**

\* \* \* \* \*

(c) *Vacancies during rent-up.* If a Contract unit which is decent, safe and sanitary and has been accepted by HUD

as available as of the effective date of the Contract is not leased within 15 days of the effective date of the Contract, the owner will be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the first 30 days of a vacancy, provided that the owner:

(1) Has submitted a list of units leased as of the effective date and a list of the units not so leased;

(2) 60 days prior to the completion of the rehabilitation or the date the agreement was executed, whichever is later, had notified the PHA of any units which the owner anticipated would be vacant on the anticipated effective date of the contract;

(3) Has taken and continues to take all feasible actions to fill the vacancy including, but not limited to: Contacting applicants on the owner's waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the units in a manner specifically designed to reach low-income families; and

(4) Has not rejected any eligible applicant except for good cause acceptable to HUD.

(d) *Vacancies after rent-up.* If an Eligible Family vacates its unit (other than as a result of action by the owner which is in violation of the Lease or the Contract or any applicable law), the owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for the first 30 days of a vacancy. However, if the owner collects any of the family's share of the rent for this period, the payment must be reduced to an amount which, when added to the family's payments, does not exceed 80 percent of the Contract Rent. Any such excess shall be reimbursed by the owner to HUD or as HUD may direct. (See also § 886.115.) The owner shall not be entitled to any payment under this paragraph unless he or she:

(1) Immediately upon learning of the vacancy, has notified HUD of the vacancy or prospective vacancy and the reasons for the vacancy,

(2) Has made and continues to make a good faith effort to fill the vacancy, including but not limited to, contacting applicants on the waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and

(3) Has not rejected any eligible applicant, except for good cause acceptable to HUD.

(e) *Payments for units where family is evicted.* If the owner evicts a family, the owner shall not be entitled to any

payments pursuant to paragraph (d) of this section unless the request for such payment is supported by a certification that the provisions of § 886.128 and part 247 of this title have been followed.

(f) *Prohibition for double compensation for vacancies.* The owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he or she is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 886.116).

(g) *Debt-service vacancy payments.* (1) If a contract unit continues to be vacant after the vacancy period specified in paragraph (c) or (d) of this section, the owner may submit a claim and receive additional housing assistance payments on a semiannual basis with respect to such a vacant unit in an amount equal to the principal and interest payments required to amortize the portion of the debt attributable to that unit for the period of the vacancy, whether such vacancy commenced during rent-up or after rent-up.

(2) Additional payments under this paragraph (g) for any unit shall not be for more than 12 months for any vacancy period, and shall be made only if:

(i) The unit was in decent, safe, and sanitary condition during the vacancy period for which payments are claimed.

(ii) The owner has taken and is continuing to take the actions specified in paragraphs (c)(1), (2) and (3) or paragraphs (d)(1) and (2) of this section, as appropriate.

(iii) The owner has demonstrated, in connection with the semiannual claim form and in accordance with the standards prescribed by HUD, that the project is not providing the owner with revenues at least equal to the project costs incurred by the owner, and that the amount of the payments requested is not in excess of that portion of the deficiency which is attributable to the vacant units for the period of the vacancies.

(iv) The owner has submitted, in connection with the semiannual claim, a statement with relevant supporting evidence that there is a reasonable prospect that the project can achieve financial soundness within a reasonable time. The statement shall indicate the causes of the deficiency; the corrective steps that have been and will be taken; and the time by which it is expected that the project revenues will at least equal project costs without the additional payments provided under this paragraph.

(3) HUD may deny any claim for additional payments or suspend or terminate payments if it determines that based on the owner's statement and other evidence, there is not a reasonable prospect that the project can achieve financial soundness within a reasonable time.

■ 17. Revise § 886.130 to read as follows:

**§ 886.130 Management and occupancy reviews.**

(a) The contract administrator will conduct management and occupancy reviews to determine whether the owner is in compliance with the Contract. Such reviews will be conducted in accordance with a schedule set out by the Secretary and published in the **Federal Register**, following notice and the opportunity to comment.

(b) HUD may independently inspect project operations and units at any time.

(c) Equal Opportunity reviews may be conducted by HUD at any time.

■ 18. Amend § 886.309 to read as follows:

- a. Revise paragraphs (c) and (d);
- b. In paragraph (e), remove the phrase "to § 886.327" and add in its place "to § 886.328;" and
- c. In paragraph (g), revise the heading of paragraph (g) and paragraph (g)(1).

**§ 886.309 Housing assistance payment to owners.**

\* \* \* \* \*

(c) *Vacancies during rent-up.* If a Contract unit which is decent, safe and sanitary and has been accepted by HUD as available as of the effective date of the Contract is not leased within 15 days of the effective date of the Contract, the Owner will be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the first 30 days of a vacancy, provided that the Owner:

(1) Has submitted a list of units leased as of the effective date and a list of the units not so leased;

(2) Sixty days prior to the completion of the rehabilitation or the date the agreement was executed, whichever is later, had notified the PHA of any units which the owner anticipated would be vacant on the anticipated effective date of the contract;

(3) Has taken and continues to take all feasible actions to fill the vacancy including, but not limited to: Contracting applicants on the Owner's waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the units in a manner specifically designed to reach low-income families; and

(4) Has not rejected any eligible applicant except for good cause acceptable to HUD.

(d) *Vacancies after rent-up.* If an Eligible Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for the first 30 days of a vacancy. However, if the owner collects any of the family's share of the rent for this period, the payment must be reduced to an amount which, when added to the family's payments, does not exceed 80 percent of the Contract Rent. Any such excess shall be reimbursed by the Owner to HUD or as HUD may direct. (See also § 886.315.) The owner shall not be entitled to any payment under this paragraph unless he or she:

(1) Immediately upon learning of the vacancy, has notified HUD of the vacancy or prospective vacancy and the reasons for the vacancy; and

(2) Has made and continues to make a good faith effort to fill the vacancy, including but not limited to, contacting applicants on the waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit; and

(3) Has not rejected any eligible applicant, except for good cause acceptable to HUD.

\* \* \* \* \*

(g) *Debt-service vacancy payments.* (1) If a contract unit continues to be vacant after the vacancy period specified in paragraph (c) or (d) of this section, the owner may submit a claim and receive additional housing assistance payments on a semiannual basis with respect to such a vacant unit in an amount equal to the principal and interest payments required to amortize the portion of the debt attributable to that unit for the period of the vacancy, whether such vacancy commenced during rent-up or after rent-up.

\* \* \* \* \*

■ 19. Revise § 886.335 to read as follows:

**§ 886.335 Management and occupancy reviews.**

(a) The contract administrator will conduct management and occupancy reviews to determine whether the owner is in compliance with the Contract. Such reviews will be conducted in accordance with a schedule set out by the Secretary and published in the **Federal Register**, following notice and the opportunity to comment.

(b) HUD may independently inspect project operations and units at any time.

(c) Equal Opportunity reviews may be conducted by HUD at any time.

**PART 891—SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES**

■ 20. The authority citation for 24 CFR part 891 continues to read as follows:

**Authority:** 12 U.S.C. 1701q; 42 U.S.C. 1437f, 3535(d), and 8013.

■ 21. In § 891.520, revise the definition of "Vacancy payment" to read as follows:

**§ 891.520 Definitions applicable to 202/8 projects.**

\* \* \* \* \*

*Vacancy payment* means the housing assistance payment made to the owner by HUD for a vacant assisted unit if certain conditions are fulfilled.

\* \* \* \* \*

■ 22. In § 891.560, remove the word "Borrower" and add in its place the word "Owner" wherever it appears, and revise paragraph (c)(2) to read as follows:

**§ 891.560 HAP contract.**

\* \* \* \* \*

(c) \* \* \*

(2) *Payments to the owner for vacant assisted units (vacancy payments).* The amount of and conditions for vacancy payments are described in § 891.650. The housing assistance payments are made monthly by HUD upon proper requisition by the owner, except payments for vacancies under § 891.650(d), which are made semiannually by HUD upon requisition by the owner.

\* \* \* \* \*

■ 23. Add § 891.582 to read as follows:

**§ 891.582 Management and occupancy reviews.**

(a) The contract administrator will conduct management and occupancy reviews to determine whether the owner is in compliance with the HAP Contract. Such reviews will be conducted in accordance with a schedule set out by the Secretary and published in the **Federal Register**, following notice and the opportunity to comment.

(b) HUD may independently inspect project operations and units at any time.

(c) Equal Opportunity reviews may be conducted by HUD at any time.

■ 24. In § 891.650, remove the word "Borrower" and add in its place the word "Owner" wherever it appears and revise the introductory text of paragraphs (b), (c), and (d) to read as follows:

**§ 891.650 Conditions for receipt of vacancy payments for assisted units.**

\* \* \* \* \*

(b) *Vacancies during rent-up.* For each unit that is not leased as of the effective date of the HAP contract, the owner is entitled to vacancy payments in the amount of 80 percent of the contract rent for the first 30 days of a vacancy, if the owner:

\* \* \* \* \*

(c) *Vacancies after rent-up.* If an eligible family vacates a unit, the owner is entitled to vacancy payments in the amount of 80 percent of the contract rent for the first 30 days of a vacancy, if the owner:

\* \* \* \* \*

(d) *Debt-service vacancy payments.* If a unit continues to be vacant after the vacancy period specified in paragraph (b) or (c) of this section, the owner may apply to receive additional vacancy payments in an amount equal to the principal and interest payments required to amortize that portion of the debt service attributable to the vacant unit for up to 12 additional months for the unit if:

\* \* \* \* \*

■ 25. In § 891.655, revise the definition of “Vacancy payment” to read as follows:

**§ 891.655 Definitions applicable to 202/162 projects.**

\* \* \* \* \*

*Vacancy payment* means the housing assistance payment made to the owner by HUD for a vacant assisted unit if certain conditions are fulfilled.

\* \* \* \* \*

■ 26. In § 891.705, remove the word “Borrower” and add in its place the word “Owner” wherever it appears, and revise paragraph (c)(2) to read as follows:

**§ 891.705 Project assistance contract.**

\* \* \* \* \*

(c) \* \* \*

(2) *Payments to the owner for vacant assisted units (vacancy payments).* The amount of and conditions for vacancy payments are described in § 891.790. HUD makes the project assistance payments monthly upon proper requisition by the owner, except payments for vacancies under § 891.790(d), which HUD makes semiannually upon requisition by the owner.

\* \* \* \* \*

■ 27. In § 891.790, remove the word “Borrower” and add in its place the word “Owner” wherever it appears, and revise the introductory text of paragraphs (b), (c), and (d) to read as follows:

**§ 891.790 Conditions for receipt of vacancy payments for assisted units.**

\* \* \* \* \*

(b) *Vacancies during rent-up.* For each unit (or residential space in a group home) that is not leased as of the effective date of the PAC, the owner is entitled to vacancy payments in the amount of 80 percent of the contract rent (or pro rata share of the contract rent for a group home) for the first 30 days of a vacancy, if the owner:

\* \* \* \* \*

(c) *Vacancies after rent-up.* If an eligible family vacates an assisted unit (or residential space in a group home) the owner is entitled to vacancy payments in the amount of 80 percent of the contract rent (or pro rata share of the contract rent for a group home) for the first 30 days of a vacancy, if the owner:

\* \* \* \* \*

(d) *Debt-service vacancy payments.* If an assisted unit (or residential space in a group home) continues to be vacant after the vacancy period specified in paragraph (b) or (c) of this section, the owner may apply to receive additional vacancy payments in an amount equal to the principal and interest payments required to amortize that portion of the debt service attributable to the vacant unit (or, in the case of group homes, the residential space) for up to 12 additional months for the unit, if:

\* \* \* \* \*

Dated: December 11, 2014.

**Biniyam Gebre,**

*Acting Assistant Secretary for Housing—  
Federal Housing Commissioner.*

[FR Doc. 2015–00357 Filed 1–13–15; 8:45 am]

**BILLING CODE 4210–67–P**

**DEPARTMENT OF AGRICULTURE****Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS–R7–SM–2014–0062;  
FXFR13350700640–156–FF07J00000;  
FBMS#4500074738]

**RIN 1018–BA39**

**Subsistence Management Regulations  
for Public Lands in Alaska—2016–17  
and 2017–18 Subsistence Taking of  
Wildlife Regulations**

**AGENCY:** Forest Service, Agriculture;  
Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would establish regulations for hunting and trapping seasons, harvest limits, and methods and means related to taking of wildlife for subsistence uses during the 2016–17 and 2017–18 regulatory years. The Federal Subsistence Board is on a schedule of completing the process of revising subsistence taking of wildlife regulations in even-numbered years and subsistence taking of fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle. When final, the resulting rulemaking will replace the existing subsistence wildlife taking regulations. This rule would also amend the general regulations on subsistence taking of fish and wildlife.

**DATES:** *Public meetings:* The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make proposals to change this proposed rule on several dates between February 10 and March 19, 2015, and then hold another round of public meetings to discuss and receive comments on the proposals, and make recommendations on the proposals to the Federal Subsistence Board, on several dates between August 17 and November 4, 2015. The Board will discuss and evaluate proposed regulatory changes during a public meeting in Anchorage, AK, in April 2016. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

*Public comments:* Comments and proposals to change this proposed rule must be received or postmarked by March 25, 2015.

**ADDRESSES:** *Public meetings:* The Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils’ public meetings will be held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

*Public comments:* You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS–R7–SM–2014–0062, which is the docket number for this rulemaking.

- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated

Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings. 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 Review Process section below for more information).

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or [subsistence@fws.gov](mailto:subsistence@fws.gov). For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or [twhitford@fs.fed.us](mailto:twhitford@fs.fed.us).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a rural preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations were published in the **Federal Register** on May 29, 1992 (57 FR 22940). The Program has subsequently amended these regulations a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-28 and 50 CFR 100.1-28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;

- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Regional Advisory Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Regional Advisory Council members represent varied geographical, cultural, and user interests within each region.

##### **Public Review Process—Comments, Proposals, and Public Meetings**

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Federal Subsistence Regional Advisory Councils, will hold public meetings on this proposed rule at the following locations in Alaska, on the following dates:

- Region 1—Southeast Regional Council, Yakutat, March 17, 2015
- Region 2—Southcentral Regional Council, Anchorage, February 18, 2015
- Region 3—Kodiak/Aleutians Regional Council, Kodiak, February 10, 2015
- Region 4—Bristol Bay Regional Council, Naknek, February 24, 2015
- Region 5—Yukon-Kuskokwim Delta Regional Council, Bethel, February 25, 2015
- Region 6—Western Interior Regional Council, Fairbanks, March 3, 2015
- Region 7—Seward Peninsula Regional Council, Nome, February 18, 2015
- Region 8—Northwest Arctic Regional Council, Kotzebue, March 9, 2015
- Region 9—Eastern Interior Regional Council, Fairbanks, March 4, 2015
- Region 10—North Slope Regional Council, Barrow, March 17, 2015

During April 2015, the written proposals to change the subpart D, take of wildlife regulations, and subpart C, customary and traditional use determinations, will be compiled and distributed for public review. During the 45-day public comment period, which is presently scheduled to end on May 15, 2015, written public comments will be accepted on the distributed proposals.

The Board, through the Regional Advisory Councils, will hold a second series of public meetings in August through October 2015, to receive comments on specific proposals and to develop recommendations to the Board at the following locations in Alaska, on the following dates:

- Region 1—Southeast Regional Council, Petersburg, October 13, 2015
- Region 2—Southcentral Regional Council, Seldovia, October 20, 2015
- Region 3—Kodiak/Aleutians Regional Council, Adak, September 25, 2015
- Region 4—Bristol Bay Regional Council, Dillingham, October 27, 2015
- Region 5—Yukon-Kuskokwim Delta Regional Council, TBD, October 7, 2015
- Region 6—Western Interior Regional Council, Kaltag, November 3, 2015
- Region 7—Seward Peninsula Regional Council, Nome, October 14, 2015
- Region 8—Northwest Arctic Regional Council, Buckland, October 6, 2015
- Region 9—Eastern Interior Regional Council, Fairbanks, October 29, 2015
- Region 10—North Slope Regional Council, Kaktovik, November 3, 2015

A notice will be published of specific dates, times, and meeting locations in local and statewide newspapers prior to both series of meetings. Locations and dates may change based on weather or local circumstances. The amount of work on each Regional Advisory Council's agenda determines the length of each Regional Advisory Council meeting.

The Board will discuss and evaluate proposed changes to the subsistence management regulations during a public meeting scheduled to be held in Anchorage, Alaska, in April 2016. The Federal Subsistence Regional Advisory Council Chairs, or their designated representatives, will present their respective Councils' recommendations at the Board meeting. Additional oral testimony may be provided on specific proposals before the Board at that time. At that public meeting, the Board will deliberate and take final action on proposals received that request changes to this proposed rule.

Proposals to the Board to modify the general fish and wildlife regulations, wildlife harvest regulations, and

customary and traditional use determinations must include the following information:

- a. Name, address, and telephone number of the requestor;
- b. Each section and/or paragraph designation in this proposed rule for which changes are suggested, if applicable;
- c. A description of the regulatory change(s) desired;
- d. A statement explaining why each change is necessary;
- e. Proposed wording changes; and
- f. Any additional information that you believe will help the Board in evaluating the proposed change.

The Board immediately rejects proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § \_\_\_.24, subpart C (the regulations governing customary and traditional use determinations), and §§ \_\_\_.25 and \_\_\_.26, subpart D (the general and specific regulations governing the subsistence take of wildlife). If a proposal needs clarification, prior to being distributed for public review, the proponent may be contacted, and the proposal could be revised based on their input. Once distributed for public review, no additional changes may be made as part of the original submission. During the April 2016 meeting, the Board may defer review and action on some proposals to allow time for cooperative planning efforts, or to acquire additional needed information. The Board may elect to defer taking action on any given proposal if the workload of staff, Regional Advisory Councils, or the Board becomes excessive. These deferrals may be based on recommendations by the affected Regional Advisory Council(s) or staff members, or on the basis of the Board's intention to do least harm to the subsistence user and the resource involved. A proponent of a proposal may withdraw the proposal provided it has not been considered, and a recommendation has not been made, by a Regional Advisory Council. The Board may consider and act on alternatives that address the intent of a proposal while differing in approach.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you submit a comment via <http://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from

public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

#### *Reasonable Accommodations*

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Deborah Coble, 907-786-3880, [subsistence@fws.gov](mailto:subsistence@fws.gov), or 800-877-8339 (TTY), seven business days prior to the meeting you would like to attend.

#### *Tribal Consultation and Comment*

As expressed in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 79 FR 4748 (January 29, 2014). Consultation with Alaska Native corporations is based on Public Law 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

ANILCA does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this rule.

The Board will engage in outreach efforts for this rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board provides a variety of opportunities for consultation: proposing changes to the

existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process. The Board commits to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

#### **Developing the 2016-17 and 2017-18 Wildlife Seasons and Harvest Limit Regulations**

Subpart C and D regulations are subject to periodic review and revision. The Federal Subsistence Board currently completes the process of revising subsistence take of wildlife regulations in even-numbered years and fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle.

Applicable portions of the regulations in the final rules that published June 13, 2012 (77 FR 35482), and June 19, 2014 (79 FR 35232), for the 2012-2014 and 2014-16 subparts C and D regulations constitute the text of the regulations in this proposed rule. The June 2012 rule sets forth the proposed text for § \_\_\_.25, and the June 2014 rule sets for the proposed text for §§ \_\_\_.24 and \_\_\_.26. These regulations will remain in effect until subsequent Board action changes elements as a result of the public review process outlined above in this document.

#### **Compliance With Statutory and Regulatory Authorities**

##### *National Environmental Policy Act*

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual

regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

#### *Section 810 of ANILCA*

An ANILCA § 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final § 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with § 810. That evaluation also supported the Secretaries' determination that the rule will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA § 810(a).

#### *Paperwork Reduction Act*

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This proposed rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR 242 and 50 CFR 100, and assigned OMB Control Number 1018-0075, which expires February 29, 2016.

#### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

Executive Order 12866 provides that the Office of Information and Regulatory

Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has reviewed this rule and 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 Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

#### *Small Business Regulatory Enforcement Fairness Act*

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does 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.

#### *Executive Order 12630*

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

#### *Unfunded Mandates Reform Act*

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and no cost will be imposed on any State or local entities or tribal governments.

#### *Executive Order 12988*

The Secretaries have determined that these regulations meet the applicable standards provided in §§ 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

#### *Executive Order 13132*

In accordance with Executive Order 13132, the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

#### *Executive Order 13175*

The Alaska National Interest Lands Conservation Act, Title VIII, does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Board will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this rule. Consultation with Alaska Native corporations are based on Public Law 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

The Secretaries, through the Board, will provide a variety of opportunities for consultation: commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue



at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

#### Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

#### Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor T. Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Steve Kessler and Thomas Whitford, Alaska Regional Office, U.S. Forest Service.

#### List of Subjects

##### 36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

##### 50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

#### Proposed Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 for the 2016–17 and 2017–18 regulatory years. The text of the proposed amendments to 36 CFR 242.24 and 242.26 and 50 CFR 100.24 and 100.26 is the final rule for the 2014–16 regulatory period (79 FR 35232; June 19, 2014). The text of the proposed amendments to 36 CFR 242.25 and 50 CFR 100.25 is the final rule for the 2012–2014 regulatory period (77 FR 35482; June 13, 2012).

Dated: December 12, 2014.

**Eugene R. Peltola, Jr.,**

*Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.*

Dated: December 15, 2014.

**Steve Kessler,**

*Subsistence Program Leader, USDA–Forest Service.*

[FR Doc. 2015–00425 Filed 1–13–15; 8:45 am]

**BILLING CODE 3410–11–P; 4310–55–P**

#### POSTAL SERVICE

##### 39 CFR Part 111

#### Clarification of Content Eligibility for Standard Mail Marketing Parcels

**AGENCY:** Postal Service.<sup>TM</sup>

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service proposes to clarify *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to reaffirm basic eligibility standards for Standard Mail Marketing Parcels.

**DATES:** Submit comments on or before February 13, 2015.

**ADDRESSES:** Mail or deliver written comments to the Manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 4446, Washington, DC 20260–5015. You may inspect and photocopy all written comments at USPS Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor North, Washington, DC, by appointment only, between 9 a.m. and 4 p.m., Monday through Friday by calling 202–268–2906 in advance. Email comments, containing the name and address of the commenter, may be sent to: [ProductClassification@usps.gov](mailto:ProductClassification@usps.gov), with a subject line of “Marketing Parcels.” Faxed comments are not accepted.

#### FOR FURTHER INFORMATION CONTACT:

Lizbeth Dobbins at 202–268–3789, John F. Rosato at 202–268–8597, or Suzanne Newman at 202–695–0550.

**SUPPLEMENTARY INFORMATION:** To ensure consistency and clarity about the content eligibility of Standard Mail Marketing Parcels, the Postal Service recently published an article in *Postal Bulletin* 22406 (January 8, 2015) to remind customers about the basic eligibility and address format standards for this classification of mail.

#### Background

Standard Mail Marketing Parcels were specifically designed for mailers to send items or samples to potential customers. Our original intent was to build a low

cost prospecting vehicle and we built in a few factors to minimize handling costs. One of those factors, the alternative addressing format, was required so that the current resident became the recipient of the mailpiece if the named addressee had moved. This avoided extra delivery and forwarding handling costs. Another was that these pieces needed to be similar in shape and weight if mailed in a single mailing. Other types of size restrictions were also a requirement.

Building upon our original intent, and to keep this product a viable promotional and cost-effective vehicle, we are adding stronger language about content eligibility and address format. All Standard Marketing parcels (regular and nonprofit) must bear an alternate addressing format and cannot be used for “fulfillment purposes” (*i.e.* the sending of items specifically purchased or requested by the customer of a mailer). The one exception will be if a customer selects samples as a result of an ordering mechanism and the samples are sent in a separate package and not inside the same package as the fulfillment item. Moreover, the alternate address format must be on the same line as the addressee's name, or on the address line directly above or below the addressee's name.

We look forward to feedback from the mailing community to help maintain Standard Mail Marketing Parcels as a viable, cost-effective product.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1. Accordingly, 39 CFR part 111 is proposed to be amended as follows:

#### PART 111—[AMENDED]

- 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

- 2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), as follows:



## Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

\* \* \* \* \*

### 240 Standard Mail

### 243 Prices and Eligibility

\* \* \* \* \*

## 3.0 Basic Eligibility Standards for Standard Mail

\* \* \* \* \*

### 3.2 Defining Characteristics

\* \* \* \* \*

#### 3.2.2 Standard Mail Marketing Parcels

*[Revise 3.2.2 to read as follows:]*

All Standard Mail Marketing parcels (regular and nonprofit) must bear an alternate addressing format and cannot be used for “fulfillment purposes” (*i.e.* the sending of items specifically purchased or requested by the customer of a mailer). The alternate address format must be on the same line as the addressee’s name or on the address line directly above or below the addressee’s name.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if our proposal is adopted.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2015–00401 Filed 1–13–15; 8:45 am]

BILLING CODE 7710–12–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 745

[EPA–HQ–OPPT–2014–0304; FRL–9920–85]

RIN 2070–AK02

### Lead-Based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing minor revisions to the Lead Renovation, Repair, and Painting (RRP) rule that published in the **Federal Register** on April 22, 2008, and the Lead-based Paint (LBP) Activities rule that published in the **Federal Register** on August 29, 1996. The proposed revisions are intended to improve the

day-to-day function of these programs by reducing burdens to industry and the EPA, and by clarifying language for training providers, while retaining the protections provided by the original rules. EPA is proposing to eliminate the requirement that the renovator refresher training have a hands-on component. The Agency is also proposing to remove jurisdiction-specific certification and accreditation requirements under the LBP Activities program. Currently, this program requires that training providers, firms and individuals seek certification in each jurisdiction (*e.g.*, a State) where the organization or person wants to work. In addition, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

**DATES:** Comments must be received on or before February 13, 2015.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0304, 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:** Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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:** For technical information contact: Marc Edmonds, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 566–0758; email address: [edmonds.marc@epa.gov](mailto:edmonds.marc@epa.gov).

For general information contact: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Executive Summary

### A. Does this action apply to me?

You may be potentially affected by this action if you operate a training program required to be accredited under 40 CFR 745.225, if you are a firm or individual who must be certified to conduct lead-based paint activities in accordance with 40 CFR 745.226, or if you are an individual who must be certified to conduct renovation activities in accordance with 40 CFR 745.90. This proposed rule applies only in States, territories, and tribal areas that do not have authorized programs pursuant to 40 CFR 745.324. For further information regarding the authorization status of States, territories, and Tribes, contact the National Lead Information Center at 1–800–424–LEAD [5323].

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:

- Building construction (NAICS code 236), *e.g.*, single-family housing construction, multi-family housing construction, residential remodelers.
- Specialty trade contractors (NAICS code 238), *e.g.*, plumbing, heating, and air-conditioning contractors, painting and wall covering contractors, electrical contractors, finish carpentry contractors, drywall and insulation contractors, siding contractors, tile and terrazzo contractors, glass and glazing contractors.
- Real estate (NAICS code 531), *e.g.*, lessors of residential buildings and dwellings, residential property managers.
- Child day care services (NAICS code 624410).
- Elementary and secondary schools (NAICS code 611110), *e.g.*, elementary schools with kindergarten classrooms.
- Other technical and trade schools (NAICS code 611519), *e.g.*, training providers.
- Engineering services (NAICS code 541330) and building inspection services (NAICS code 541350), *e.g.*, dust sampling technicians.
- Lead abatement professionals (NAICS code 562910), *e.g.*, firms and supervisors engaged in lead-based paint activities.

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. What is the Agency's authority for taking this action?*

This proposed rule is being issued under the authority of sections 402(a) and 402(c)(3) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2682(a) and 2682(c)(3).

*C. What action is the Agency taking?*

EPA is proposing minor revisions to the RRP rule that published in the **Federal Register** on April 22, 2008 (Ref. 1) and the Lead-based Paint Activities rule that published in the **Federal Register** on August 29, 1996 (Ref. 2). EPA is proposing to eliminate the requirement that the renovator refresher training have a hands-on component. The Agency is also proposing to remove jurisdictions under the LBP Activities program. Currently, this program requires that training providers, firms and individuals seek certification in each jurisdiction (e.g., a State) where the organization or person wants to work. In addition, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

*D. Why is the Agency taking this action?*

The proposed revisions are intended to improve the day-to-day function of these programs by reducing burdens to industry and the EPA and by clarifying language for training providers, while retaining the benefits of the original rules.

*E. What are the estimated incremental impacts of this action?*

EPA has prepared an analysis of the potential costs and impacts associated with this proposed rule. This analysis is summarized in greater detail in the discussion concerning Executive Order 12866 and Executive Order 13563 in Unit V.A. The following is a brief outline of the estimated incremental impacts of this proposed rule.

- **Overall costs.** The annualized cost savings of this proposed rule are estimated at approximately \$9.6 million per year using a 3% discount rate and \$9.8 million per year using a 7% discount rate.

- **Small entity impacts.** The proposed rule would not have a significant impact on a substantial number of small entities. This proposed rule would relieve regulatory burden for affected small entities, and would not have a direct negative impact on any small entities.

- **Effects on State, local, and Tribal governments.** This proposed rule would not have a significant intergovernmental mandate, significant or unique effects

on small governments, or have Federalism implications.

*F. What should I consider as I prepare my comments for EPA?*

1. **Submitting CBI.** Do not submit this information to EPA through <http://www.regulations.gov> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

## II. Background

In 1992, Congress found that low-level lead poisoning was widespread among American children, affecting, at that time, as many as 3,000,000 children under age 6; that the ingestion of household dust containing lead from deteriorating or abraded lead-based paint was the most common cause of lead poisoning in children; and that the health and development of children living in as many as 3,800,000 American

homes was endangered by chipping or peeling lead paint, or excessive amounts of lead-contaminated dust in their homes. Congress further determined that the prior Federal response to this threat was insufficient and enacted Title X of the Housing and Community Development Act of 1992 (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992 or Title X) (Ref. 3). Title X established a national goal of eliminating lead-based paint hazards in housing as expeditiously as possible and provided a leadership role for the federal government in building the infrastructure necessary to achieve this goal.

Title X amended TSCA to add a new subchapter entitled "Title IV—Lead Exposure Reduction." Most of EPA's responsibilities for addressing lead-based paint hazards can be found in this title, with TSCA section 402 being one source of the rulemaking authority to carry out these responsibilities. Section 402(a) of TSCA directs EPA to promulgate regulations covering lead-based paint activities to ensure persons performing these activities are properly trained, that training programs are accredited, and that contractors performing these activities are certified. Regulations promulgated under TSCA section 402(a) must contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety. On August 29, 1996, EPA promulgated final regulations under TSCA section 402(a) that govern lead-based paint inspections, lead hazard screens, risk assessments, and abatements in target housing and child-occupied facilities (also referred to as the LBP Activities regulations) (Ref. 2). The LBP Activities rule, codified at 40 CFR part 745, subpart L, contained an accreditation program for training providers and training, and certification and work practice requirements for lead-based paint inspectors, risk assessors, project designers, abatement supervisors, and abatement workers. Pursuant to TSCA section 404, provisions were made for interested States, territories, and Tribes to apply for and receive authorization to administer their own LBP Activities programs. Requirements applicable to State, territorial, and tribal programs are codified in 40 CFR part 745, subpart Q.

Section 402(c) of TSCA pertains to renovation and remodeling activities. Section 402(c)(3) of TSCA requires EPA to revise the regulations issued under TSCA section 402(a) to apply to renovation or remodeling activities that create lead-based paint hazards. On April 22, 2008, EPA issued a final regulation applying a revised version of

the LBP Activities rule requirements to renovation, repair, and painting activities in target housing and child-occupied facilities (Ref. 1). Pursuant to the RRP rule, persons performing covered renovation activities must be properly trained, renovators and renovation firms must be certified, and training providers must be accredited (Ref. 1). The requirements of the RRP rule became effective in stages with the entire rule becoming effective as of April 22, 2010.

### III. Proposed Revisions

#### A. Hands-on Training

To become certified as a renovator, a person must successfully complete a renovator course accredited by EPA or by a State, territorial, or tribal program authorized by EPA. To gain initial certification, renovators must complete an 8-hour training course. Until October 4, 2011, renovators that successfully completed an EPA, Department of Housing and Urban Development (HUD), or EPA/HUD model renovation training course were able to take the 4-hour refresher renovator training in lieu of the 8-hour initial course. Both of these courses require hands-on training. Trainings are taught either in a classroom or via electronic learning (e-learning). In an e-learning course, students take the lecture portion of the course over the Internet and then travel to a training facility to perform the hands-on activities and take the exam. To maintain certification, renovators must complete a renovator refresher course within 5 years of the date the individual completed their previous renovator training. Renovators who received their initial certification before April 22, 2010, however, have until July 1, 2015, to take the refresher training to maintain certification. If the renovator does not complete the course within the required timeframe, the individual must retake the initial 8-hour course to become certified again.

The 8-hour initial training includes hands-on training in testing for lead in paint, methods for minimizing the creation of dust and lead-based paint hazards, interior and exterior containment and cleanup methods, and cleaning verification. Activities covered include the use of EPA-recognized test kits, setting up barriers, covering furniture, ducts, and carpeted floors with plastic, mopping floors, bagging waste, and determining that the work area has been adequately cleaned. Each student performs these activities in front of an instructor who determines if the student is proficient in each one. Students must be deemed proficient in

order to pass the class and become certified. The current version of the renovator refresher course includes hands-on training in testing paint for lead and cleaning verification.

At the time the RRP rule became effective it was important to have hands-on training in the refresher course because certain renovators were eligible to take only the refresher course to receive their initial certification (*i.e.*, renovators who completed a prerequisite training). After October 4, 2011, however, renovators could no longer take the refresher course to gain initial certification even if they were previously eligible to take the refresher course in lieu of the initial course. From that date forward, all renovators taking the refresher course will already have received hands-on training as part of their initial renovator certification (*i.e.*, an initial or refresher course). Now that renovators will take the refresher course only after being initially certified in a way that includes hands-on training, EPA believes it is less important for the refresher course to include hands-on training. In addition, renovators that are seeking recertification have been practicing the hands-on skills on renovation jobs during their 5-year certification. Furthermore, due to the less technical nature of work practices taught in the renovator course versus those taught in the abatement course, EPA believes performing hands-on activities once is sufficient to teach renovators the skills they need to perform renovations following the RRP rule work practices.

In addition, by eliminating this requirement, renovators seeking recertification will be able to take the course entirely online without having to travel to a training location to perform the hands-on activities. This change will make it easier for renovators to take the refresher training, especially renovators who live far from a training facility. Renovators will save time and travel costs by taking the course from a single location, possibly their own home. If taking the training is made easier, EPA believes that more renovators will take the refresher training and become recertified. Having more renovators take the refresher training will lead to a higher number of certified renovators, resulting in a workforce better able to perform renovations in a lead-safe manner. For these reasons, EPA believes it is appropriate to eliminate the hands-on training in the renovator refresher course. The Agency requests comment on eliminating the requirement to include hands-on training in the renovator refresher course.

While the Agency believes that the hands-on requirement in the renovator refresher course is no longer necessary, it has not ruled out having hands-on activities that are performed via e-learning instead of in person. This would allow instructors to assess the student's skills without having the student travel to a classroom. EPA requests comment on how the hands-on portion of the refresher course could be performed by the student and assessed by the instructor via e-learning.

Another option for maintaining the hands-on requirement in the renovator refresher course is to modify it to make it less burdensome for trainers and students. For example, the requirement could be changed so the hands-on portion of the course is only required every other time a renovator gets recertified instead of every 5 years. Under this scenario, the renovator would only have to take the hands-on training once every 10 years. The Agency requests comment on possible alternative approaches to conducting the hands-on skills to make the training less burdensome.

The Agency does not intend to eliminate the hands-on activities in the refresher courses for the other lead-based paint program disciplines: Risk assessor, inspector, supervisor, abatement worker and dust sampling technician. The work performed by these disciplines involves highly specialized skills which individuals must learn in training courses accredited by EPA or authorized States, territories, and Tribes. For example, a significant portion of an abatement worker's training is focused on abatement techniques and selection of the appropriate course of action for a variety of hazards. Renovators, on the other hand, do not seek to permanently eliminate lead hazards; instead they perform maintenance and improvement tasks as directed by the consumer. Thus, the goal of EPA's renovator training and certification program is not to update the methodology a renovator uses to accomplish these tasks (*i.e.*, how to be painters, plumbers, or carpenters), but rather to ensure that persons who already know how to perform renovations perform their typical work in a lead-safe manner. Because of the technical nature of the work performed by risk assessors, inspectors, supervisors, abatement workers and dust sampling technicians, the Agency believes that it is important for their refresher training courses to include hands-on learning.

Currently, training providers are required to submit both a pre-training and post-training notification for each

course that they teach. Both types of notifications must contain information about the course including, but not limited to, date, time and location. The post-training notification must also include information about the trainees including name, address and test score, among other things. Pre-training notifications must be submitted at least 7 business days prior to the start of the course. Post-training notifications must be submitted no later than 10 business days following course completion. The notification requirements help EPA monitor compliance with the training and certification provisions of the RRP and LBP Activities programs. Training providers that teach online courses must submit pre- and post-training notifications for each hands-on training session they teach. If the Agency eliminates the hands-on requirement for the refresher training then there will be no classroom session for which to notify EPA. Because the training provider will still need to send the names of the students to EPA, the notification requirements will need to be changed. The Agency requests comment on how it should modify the notification requirements to accommodate a training taught entirely online.

In the absence of more particular information regarding the number of renovators that may take an online class to complete the required refresher training, EPA assumes that 98% of renovators will take the online training if the hands-on requirement is removed, based on the significant cost savings that would result from reduced tuition costs and by avoiding the time and associated expenses needed to travel to a training site. EPA requests comment on this assumption. EPA also requests comment and supporting information on the savings that would accrue to renovators if EPA removes the hands-on training requirement for renovator refresher courses; whether the tuition is likely to differ for online and in-person refresher training; and how the costs training providers would incur to offer online refresher training courses compare to the costs of offering courses in person.

The Agency is considering a further modification to the notification requirements regarding online notifications. For years, training providers have had the option of submitting notifications electronically via EPA's Central Data Exchange (CDX); 63% of training providers opted to do so in the past year. The CDX system is designed to streamline the notification process for training providers and EPA alike, and to perform basic validations of electronic submissions that reduce

common errors in notifications otherwise submitted on paper. Depending on how the notification requirements are modified, training providers may find it more efficient and less burdensome to submit notifications to EPA electronically if the hands-on refresher training requirement was eliminated. Such a change could result in an increased rate of electronic reporting of training notifications to EPA. To reduce the burden on the Agency and save taxpayer dollars, EPA will consider requiring training providers that teach the online refresher renovator course to submit their notifications for that course online. The Agency requests comment on whether it should require training providers to submit notifications online for the online refresher course.

The Agency is concerned that, by the time a final rule is published, many renovators will have already taken the refresher training that includes the hands-on learning and will have missed out on the burden savings that this proposed rule would provide. In light of this, EPA is considering extending the certifications for a portion of renovators so they would be able to realize the benefits of this proposed rule. For example, the Agency could extend for 6 months the renovator certifications that expire by July 1, 2015. EPA requests comments on whether it should extend the certifications of renovators so they can take advantage of the burden savings of this proposed rule.

#### *B. Jurisdictions*

On June 9, 1999, 40 CFR part 745, subpart L, was amended to include a fee schedule for training programs seeking EPA accreditation and for individuals and firms seeking EPA certification (Ref. 4). These fees were established as directed by TSCA section 402(a)(3), which requires EPA to recover the cost of administering and enforcing the lead-based paint activities requirements in States without authorized programs. The fee schedule created a multi-jurisdiction registration fee which applies to individuals, firms and training programs that provide training or perform lead-based paint activities in more than one State administered by the EPA program. This fee is applied per discipline for each additional EPA-administered State in which the applicant seeks certification/recertification or accreditation/reaccreditation. An EPA-administered jurisdiction is either an individual State without an authorized program or all Tribes without authorized programs in a given EPA Region.

The multi-state jurisdiction fee of \$35 was based on the estimated burdens required for Agency clerical, technical, and managerial staff to perform tasks associated with adding jurisdictions to a certification or accreditation. Tasks include entering the information into a database, approving or disapproving the application and generating and mailing a certificate to the applicant. After years of implementing the LBP Activities program, the Agency believes that separate certifications for each EPA-administered State jurisdiction are not necessary. In particular, EPA does not believe it is necessary for the Agency to certify or accredit the same applicant multiple times; certification in one EPA-administered State jurisdiction should be sufficient to perform work in any other EPA-administered States. For instance, EPA did not include separate certifications for each EPA-administered State in the RRP rule and found that it did not adversely impact the program. In addition, only requiring one certification for all EPA-administered State jurisdictions helps to streamline the certification and accreditation process. Accordingly, the Agency is proposing to eliminate the requirement for separate certifications in each EPA-administered State jurisdiction in the LBP Activities program. If jurisdictions are eliminated, regulated entities will no longer have to send an application and fees to EPA for the purpose of adding additional EPA-administered State jurisdictions to their certification or accreditation. Once a regulated entity applies and is approved in the Lead-based Paint Activities program, they will be able to work in any EPA-administered State. EPA requests comment on whether it should eliminate this requirement from the Lead-based Paint Activities regulations.

Eliminating the fee for adding an EPA-administered State jurisdiction will not cause the other fees under the LBP Activities regulations to increase. As stated earlier, TSCA requires EPA to recover the cost of administering and enforcing the lead-based paint activities requirements. Eliminating the requirement to apply for additional jurisdictions also eliminates the Agency's costs for processing those applications and its need to recover the fee. Thus, eliminating the \$35 fee will not require the Agency to adjust the other fees it collects under the LBP Activities rule.

#### *C. Clarification Regarding Training Provider Application Requirements*

EPA is clarifying the application regulations for accredited training providers under the RRP rule (Ref. 1)

and LBP Activities rule (Ref. 2). It was brought to the Agency's attention that the regulations did not specifically state what constituted a violation of the regulations at 40 CFR 745.225. For example, some other regulatory provisions, such as 40 CFR 745.87, specifically list various activities that are considered a violation of TSCA. Accordingly, the Agency is proposing to add clarifying language explaining that training providers must follow the requirements in that section. EPA believes that accredited training providers already understand this, but EPA is proposing to add the clarifying language to ensure understanding of the requirements—similar to what has been done in other regulations. This clarifying language does not change any requirements for accredited training providers. The Agency requests comment on adding this clarification to the regulations at 40 CFR 745.225(a)(4), (c), (d) and (e).

#### *D. Correction to Training Notification Requirements*

The regulatory text of the final RRP rule in 2008 (Ref. 1) inadvertently omitted a requirement for accredited providers of renovation training to provide notification to EPA after each training course the provider delivers. The provision was designed to supply important information regarding certified renovators for EPA's compliance monitoring efforts. In 2009, EPA issued a rule (Ref. 5) to correct this omission by amending 40 CFR 745.225(c)(14) to require post-course notifications from accredited providers of renovator or dust sampling technician training. The 2009 rule also included conforming changes to 40 CFR 745.225(c)(14)(iii) to include the correct name of the sample post-course notification form and to make it clear that all methods of post-course notification are available to both renovation training providers and lead-based paint activities training providers. As amended, 40 CFR 745.225(c)(14) required renovation training providers to notify EPA no later than 10 business days following course completion. Although EPA identified this requirement in its cost estimates in 2008, the regulatory provision was subsequently overwritten by another rulemaking. Specifically, in a 2011 rule (Ref. 6), the regulatory language inadvertently removed the regulatory text that was added to 40 CFR 745.225(c)(14)(i) by the 2009 rule. In this proposed rule, EPA is proposing to add the same language back to 40 CFR 745.225(c)(14)(i) that was included in the 2009 rule. EPA requests comment on

adding this language back to the notification requirements. Since EPA has continued to account for the costs and paperwork burden associated with this notification provision, this proposed correction does not increase the estimated costs and burdens for the RRP program.

#### *E. Effective Date*

EPA is proposing to find under the Administrative Procedure Act (APA), 5 U.S.C. 553(d)(3), that good cause exists to dispense with the 30-day delay in the effective date of the final rule that EPA intends to promulgate based upon this proposed rule. As stated earlier in this preamble, removing the hands-on requirement will make it easier for renovators to take the refresher training, especially renovators who live far from a training facility. If taking the training is made easier, EPA believes that removing the hands-on requirement will lead to more renovators taking the training and becoming recertified. Consequently, delaying the effective date may result in fewer renovators taking the training and becoming recertified. For this reason, the Agency believes it is in the public interest to remove the requirement as soon as possible. EPA also believes that such action would relieve a restriction in accordance with 5 U.S.C. 553(d)(1). EPA therefore proposes to issue a final rule making this change effective upon publication in the **Federal Register**.

#### **IV. References**

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. Lead; Renovation, Repair, and Painting Program; Final Rule. **Federal Register** (73 FR 21692, April 22, 2008) (FRL–8355–7).
2. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule. **Federal Register** (61 FR 45778, August 29, 1996) (FRL–5389–9).
3. Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 *et seq.*).
4. Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors; Final Rule. **Federal Register** (64 FR 31091, June 9, 1999) (FRL–6058–6).

5. Lead; Minor Amendments to the Renovation, Repair, and Painting Program; Final Rule. **Federal Register** (74 FR 34257, July 15, 2009) (FRL–8422–7).
6. Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program; Final Rule. **Federal Register** (76 FR 47918, August 5, 2011) (FRL–8881–8).
7. EPA. Economic Analysis for the Lead-Based Paint Program Minor Amendments Proposed Rule (Economic Analysis). December 2014.
8. EPA. Information Collection Request (ICR) for TSCA sections 402 and 404 Training, Certification, Accreditation and Standards for Lead-Based Paint Activities and Renovation, Repair, and Painting. EPA ICR No. 2502.01 and OMB No. 2070–[NEW]. December 2014.

#### **V. Statutory and Executive Order Reviews**

##### *A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This proposed rule has been designated by the Office of Management and Budget (OMB) as a “significant regulatory action” under section 3(f) of Executive Order 12866 (58 FR 51735, October 4, 1993). Accordingly, EPA submitted this action to OMB for review under Executive Order 12866 and 13563 (76 FR 3821, January 21, 2011), and any changes made in response to OMB recommendations are documented in the docket.

EPA has prepared an analysis of the potential cost savings associated with this rulemaking. This analysis is contained in the Economic Analysis for the Lead-Based Paint Program Minor Amendments Proposed Rule (Ref. 7) and is briefly summarized here.

In a typical year, individuals, firms, and training providers apply to perform lead-based paint activities or provide training in a total of 431 additional EPA-administered jurisdictions. Removing the \$35 multi-jurisdiction fee will result in total estimated cost savings of approximately \$15,000 per year to these entities.

Removing the hands-on training requirement for renovator refresher training is estimated to reduce the tuition by an average of \$37. Removing the hands-on requirement also makes online renovator refresher training more attractive to training providers and renovators. If renovators become recertified by taking an e-learning refresher course they are estimated to save an additional \$165 by avoiding the time and associated expenses needed to travel to a training site. Renovator training and certification (which is valid

for 5 years) became mandatory in 2010, and a large number of renovators were trained that year. As many as 168,000 of these renovators are predicted to seek refresher training in 2015. Over time, the annual number is predicted to equilibrate such that up to 48,000 renovators may seek refresher training in later years. Nearly all of these renovators are assumed to choose online refresher training if the option is available. Therefore, removing the hands-on requirement for renovator refresher training is estimated to reduce costs by over \$9 million per year.

The proposed rule includes a correction to the training notification requirements to add back regulatory text on post-training notifications that was inadvertently overwritten in a 2011 rule (although most training providers are continuing to provide post-training notifications to EPA in a timely manner). EPA has already accounted for the burden and cost of requiring accredited providers of renovation training to provide notification to EPA after each training course the provider delivers. For example, the currently approved ICR for the TSCA sections 402 and 404 Training, Certification, Accreditation and Standards for Lead-Based Paint Activities and Renovation, Repair, and Painting (EPA ICR No. 1715.13, OMB Control No. 2070-0155) estimates that 600 renovation training providers will submit an average of 14 post-training notifications per year. This yields a total of 8,400 post-training notifications per year at an average burden of 1.6 hours per response, resulting in a total burden for this activity of 13,440 hours at a cost of \$339,578. In order to avoid double-counting, EPA's Economic Analysis and ICR for this action do not include the burden and cost of reinstating the post-training notification requirements.

The clarifying language being added to the rule explaining that training providers must follow the regulations does not affect the cost of compliance because it does not change any requirements for accredited training providers.

Removing the multi-jurisdiction fee and the requirement for hands on refresher renovator training is estimated to result in cost savings of up to \$9.6 million per year using a 3% discount rate and \$9.8 million per year using a 7% discount rate.

#### B. Paperwork Reduction Act (PRA)

The information collection requirements in this proposed rule have been submitted to OMB for review and approval under PRA, 44 U.S.C. 3501 *et seq.* The ICR document prepared by

EPA has been assigned EPA ICR No. 2502.01 and the OMB Control No. 2070- [NEW] (Ref. 8). The ICR document provides a detailed presentation of the estimated burden and costs predicted as a result of the proposed rule. Burden is defined at 5 CFR 1320.3(b).

There are 275 training providers accredited to offer renovator refresher training programs. All these training providers are assumed to apply to EPA to become accredited to offer e-learning refresher training once the requirement for hands-on renovator refresher training is removed. The applications must address issues such as how the trainer will ensure that students successfully complete the e-learning modules and the e-learning final assessment. Training providers are most likely to add an already reviewed and accepted e-learning course from another training provider to their training curriculum. In that case, their burden to become familiar with the new rule and to submit an application is estimated to average 13.8 hours per response, at a cost of \$687. For the 275 training providers this results in a total burden of 3,795 hours at a total cost \$188,861.

An agency may not conduct or sponsor, and a person is not required to respond to an information collection request unless it displays a currently valid OMB control number, or is otherwise required to submit the specific information by a statute. The OMB control numbers for EPA's regulations codified in Title 40 of the Code of Federal Regulations (CFR), after appearing in the preamble of the final rule, are further displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR 9.1.

Submit any comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to both EPA and OMB. For EPA, follow the instructions in **ADDRESSES** at the beginning of this document. For OMB, reference "OMB Desk Officer for EPA" and email your comments to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Since OMB is required to make a decision concerning the ICR between 30 and 60 days after January 14, 2015, a comment to OMB is best assured of having its full effect if OMB receives it by February 13, 2015. The final rule will address any OMB or public comments received on the information collection requirements contained in this proposal.

#### C. Regulatory Flexibility Act (RFA)

The RFA, 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 551-553, 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.

Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this proposed rule on small entities, small entity is defined as:

1. A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201. The SBA's definitions typically are based upon either a sales or an employment level, depending on the nature of the industry.

2. A small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000.

3. A small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the rule on small entities." 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

The proposed rule would eliminate multi-jurisdiction registration fees for the LBP Activities program, and eliminate the hands-on training requirement from the lead renovation refresher training course. This results in cost savings for entities that no longer would pay the multi-jurisdiction registration fees and for renovators that would have a less expensive refresher training option available to them. Those training providers that choose to offer e-learning refresher renovator training

would incur a cost to apply for accreditation of their e-learning courses. However, it is expected that only training providers that anticipate recovering accreditation costs through tuition charges would opt to apply for the additional accreditation because there is no requirement mandating these firms to offer an e-learning refresher training option under the proposed rule. Therefore, there would be no direct negative cost impacts on small entities as a result of the proposed rule. We have therefore concluded that this proposed rule will relieve regulatory burden for all affected small entities.

#### *D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any Federal mandates under the provisions of Title II of UMRA, 2 U.S.C. 1531–1538, for State, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of UMRA sections 202 or 205. This action is also not subject to the requirements of UMRA section 203 because it contains no regulatory requirements that might significantly or uniquely affect small governments. Those training providers (both those in the private sector as well as local or tribal governments) that choose to offer e-learning refresher renovator training would incur a cost to apply for accreditation of their e-learning courses. However, it is expected that only training providers that anticipate recovering accreditation costs through tuition charges would opt to apply for the additional accreditation because there is no requirement mandating these firms to offer an e-learning refresher training option under the proposed rule.

#### *E. Executive Order 13132: Federalism*

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Local governments can serve as training providers, and those training providers that choose to offer e-learning refresher renovator training would incur a cost to apply for accreditation of their e-learning courses. However, it is expected that only training providers that anticipate recovering accreditation costs through tuition charges would opt to apply for the additional accreditation

because there is no requirement mandating these firms to offer an e-learning refresher training option under the proposed rule. Thus, Executive Order 13132 does not apply to this action. EPA specifically solicits comment on this proposed action from State and local officials.

#### *F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). Tribal governments can serve as training providers, and those training providers that choose to offer e-learning refresher renovator training would incur a cost to apply for accreditation of their e-learning courses. However, it is expected that only training providers that anticipate recovering accreditation costs through tuition charges would opt to apply for the additional accreditation because there is no requirement mandating these firms to offer an e-learning refresher training option under the proposed rule. Thus, Executive Order 13175 does not apply to this action. EPA specifically solicits additional comment on this proposed action from tribal officials.

#### *G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not an economically significant regulatory action as defined by Executive Order 12866, and because EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045, because it would not establish an environmental standard intended to mitigate health or safety risks.

#### *H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This proposed rule is not a “significant energy action” as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, this rule is not likely to have any adverse energy effects because it does not require any action related to

the supply, distribution, or use of energy.

#### *I. National Technology Transfer and Advancement Act (NTTAA)*

Section 12(d) of NTTAA, 15 U.S.C. 272 note, directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rule does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the proposed rule and specifically invites the public to identify additional potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

#### *J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not directly affect the level of protection provided to human health or the environment. The proposed rule would remove multi-jurisdiction fees for the LBP Activities program and remove the hands-on requirement for refresher renovator training. However, it would not change the work practice requirements for lead-based paint activities or renovation, repair or painting activities disturbing lead-based paint.



**List of Subjects in 40 CFR Part 745**

Environmental protection, Lead,  
Lead-based paint, Renovation.

Dated: January 7, 2015.

**Gina McCarthy,**  
*Administrator.*

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

**PART 745—[AMENDED]**

- 1. The authority citation for part 745 continues to read as follows:

**Authority:** 15 U.S.C. 2605, 2607, 2681–2692 and 42 U.S.C. 4852d.

- 2. In § 745.225:

- a. Add new paragraph (a)(4).  
■ b. Revise the introductory text of paragraphs (c), (d), and (e).  
■ c. Revise paragraphs (c)(14)(i) and (e)(2) and (3).

The addition and revisions read as follows:

**§ 745.225 Accreditation of training programs: target housing and child occupied facilities.**

(a) \* \* \*

(4) Accredited training programs, training program managers, and principal instructors must comply with all of the requirements of this section including approved terms of the application and all of the requirements and limitations specified in any accreditation documents issued to training programs.

\* \* \* \* \*

(c) *Requirements for the accreditation of training programs.* A training program accredited by EPA to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses must meet the following requirements:

\* \* \* \* \*

(14) \* \* \*

(i) The training manager must provide EPA notification after the completion of any renovator, dust sampling, or lead-based paint activities course. This notification must be received by EPA no later than 10 business days following course completion.

\* \* \* \* \*

(d) *Minimum training curriculum requirements.* A training program accredited by EPA to offer lead-based paint courses in the specific disciplines listed in this paragraph (d) must ensure that its courses of study include, at a minimum, the following course topics.

\* \* \* \* \*

(e) *Requirements for the accreditation of refresher training programs.* A training program may seek accreditation to offer refresher training courses in any

of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program accredited by EPA to offer refresher training must meet the following minimum requirements:

\* \* \* \* \*

(2) Refresher courses for inspector, risk assessor, supervisor, and abatement worker must last a minimum of 8 training hours. Refresher courses for project designer, renovator, and dust sampling technician must last a minimum of 4 training hours. Refresher courses for all disciplines except renovator and project designer must include a hands-on component.

(3) Except for renovator and project designer courses, for all other courses offered, the training program shall conduct a hands-on assessment. With the exception of project designer courses, the training program shall conduct a course test at the completion of the course.

\* \* \* \* \*

- 3. In § 745.238:

- a. Remove paragraph (c)(3).  
■ b. Redesignate paragraphs (c)(4) and (5) as (c)(3) and (4).  
■ c. Revise the headings for paragraphs (d)(1) and (2).  
■ d. Revise paragraph (e)(2).

The amendments read as follows:

**§ 745.238 Fees for accreditation and certification of lead-based paint activities.**

\* \* \* \* \*

(d) \* \* \*

(1) *Certification and re-certification*

\* \* \*

(2) *Accreditation and re-accreditation.*

\* \* \*

\* \* \* \* \*

(e) \* \* \*

(2) Submit application and payment in the amount specified in paragraph (c)(3) of this section in accordance with the instructions provided with the application package.

\* \* \* \* \*

[FR Doc. 2015–00473 Filed 1–13–15; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Indian Health Service**

**42 CFR Part 136**

**RIN 0917–AA12**

**Payment for Physician and Other Health Care Professional Services Purchased by Indian Health Programs and Medical Charges Associated With Non-Hospital-Based Care**

**AGENCY:** Indian Health Service, HHS.

**ACTION:** Proposed rule; extension of the comment period.

**SUMMARY:** This document extends the comment period for the Payment for Physician and Other Health Care Professional Services Purchased by Indian Health Programs and Medical Charges Associated with Non-Hospital-Based Care proposed rule, which was published in the **Federal Register** on December 5, 2014. The comment period for the proposed rule, which would have ended on January 20, 2015, is extended to February 4, 2015.

**DATES:** The comment period for the proposed rule published in the December 5, 2014 **Federal Register** (79 FR 72160) is extended to February 4, 2015.

**ADDRESSES:** Because of staff and resource limitations, we cannot accept comments by facsimile transmission. You may submit comments in one of four ways (please choose only one of the ways listed):

1. Electronically. You may submit electronic comments on this regulation to <http://regulations.gov>. Follow the “Submit a Comment” instructions.

2. By regular mail. You may mail written comments to the following address ONLY: Betty Gould, Regulations Officer, Indian Health Service, 801 Thompson, Avenue, TMP STE 450, Rockville, Maryland 20852. Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. By express or overnight mail. You may send written comments to the above address.

4. By hand or courier. If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to the address above.

If you intend to deliver your comments to the Rockville address, please call telephone number (301) 443–1116 in advance to schedule your arrival with a staff member.

Comments will be made available for public inspection at the Rockville



address from 8:30 a.m. to 5:00 p.m., Monday–Friday, approximately three weeks after publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Carl Harper, Director, Office of Resource Access and Partnerships, Indian Health Service, 801 Thompson Avenue, Rockville, Maryland 20852. Telephone: (301) 443–1553.

**SUPPLEMENTARY INFORMATION:** This proposed rule would amend Indian Health Service (IHS) Purchased and Referred Care, formally known as Contract Health Services, regulations to apply Medicare payment methodologies to all physician and other health care professional services and non-hospital based services that are either authorized under such regulations or purchased by urban Indian organizations. Specifically, it proposes that the health programs operated by IHS, Tribe, Tribal organization, or urban Indian organization will pay the lowest of the amount provided for under the applicable Medicare fee schedule, prospective payment system, or Medicare waiver; the amount negotiated by a repricing agent, if available; or the usual and customary billing rate. Repricing agents may be used to determine whether IHS may benefit from savings by utilizing negotiated rates offered through commercial health care networks. This proposed rule seeks comment on how to establish reimbursement that is consistent across Federal health care programs, aligns payment with inpatient services, and enables the IHS to expand beneficiary access to medical care.

This comment period is being extended to allow all interested parties the opportunity to comment on the proposed rule. Therefore, we are extending the comment period until February 4, 2015.

Dated: January 7, 2015.

**Yvette Roubideaux,**

*Acting Director, Indian Health Service.*

[FR Doc. 2015–00400 Filed 1–13–15; 8:45 am]

**BILLING CODE 4165–16–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

[Docket No. 141110950–4999–01]

RIN 0648–BE63

#### Pacific Island Fisheries; Pacific Remote Islands Marine National Monument Expansion

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to establish requirements for fishing in the Pacific Remote Islands Marine National Monument Expansion. The proposed rule is intended to implement fishery management measures consistent with Presidential Proclamation 9173.

**DATES:** NMFS must receive comments on the proposed rule by February 13, 2015.

**ADDRESSES:** You may submit comments on this proposed rule, identified by NOAA–NMFS–2014–0142, by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0142>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous), and will accept attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats only.

You may review Presidential Proclamation 9173 (establishing the Pacific Remote Islands Marine National Monument Expansion) (PRI Monument Expansion), Presidential Proclamation 8663 (establishing the Pacific Remote Islands Marine National Monument) (PRI Monument), and the PRI Monument fishing requirements established in Amendment 2 to the Fishery Ecosystem Plan for the Pacific Remote Island Areas published in 2013, available from [www.regulations.gov](http://www.regulations.gov). Amendment 2 is also available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or from [www.wpcouncil.org](http://www.wpcouncil.org).

**FOR FURTHER INFORMATION CONTACT:** Bob Harman, NMFS PIR Sustainable Fisheries, tel 808–725–5170.

**SUPPLEMENTARY INFORMATION:** NMFS and the Council manage Pacific Island fisheries through fishery ecosystem plans (FEP) for American Samoa, the Mariana Archipelago (Guam and the Commonwealth of the Northern Mariana Islands (CNMI)), the Pacific Remote Island Areas (PRIA), Hawaii, and western Pacific pelagic fisheries. Fishing regulations for the Pacific Islands are found mainly in 50 CFR part 665.

In 2009, President Bush issued Presidential Proclamations that established three Marine National Monuments in the Pacific Islands under the authority of the Antiquities Act: The Marianas Trench Marine National Monument (Proclamation 8335), the Pacific Remote Islands Marine National Monument (PRI Monument, Proclamation 8336), and the Rose Atoll Marine National Monument (Proclamation 8337). The Proclamations directed the Secretaries of the Interior and Commerce to take appropriate action pursuant to their respective authorities under the Antiquities Act, the Magnuson-Stevens Act, and such other authorities as may be available to implement the Proclamations, to regulate fisheries, including allowing for traditional indigenous fishing practices, and to ensure proper care and management of the monuments.

In 2013, the Council incorporated the Proclamations’ fishery management provisions into its FEPs. With respect to the PRI Monument, the Council adopted Amendment 2 to the Fishery Ecosystem Plan for the Pacific Remote Island Areas establishing (a) the boundaries of the PRI Monument and various management units, (b) the prohibition on commercial fishing, and (c) management measures for non-

commercial and recreational fishing. The Secretary of Commerce approved Amendment 2 on May 2, 2013. NMFS then implemented a final rule that, among other things, established a new subpart H in 50 CFR part 665 for the PRI Monument, based on the Council's recommendations in Amendment 2 (78 FR 32996, June 3, 2013). Specifically, the rule codified the Monument's boundaries and prohibited commercial fishing throughout the Monument. It further established management measures for non-commercial and recreational fishing (i) prohibiting all fishing within 12 nm of islands in the PRI Monument, subject to U.S. Fish & Wildlife Service authority to allow non-commercial fishing in consultation with NMFS and the Council; (ii) requiring federal permits and reporting for non-commercial and recreational charter fishing to aid in monitoring of fishing activities; (iii) prohibiting sale or exchange through barter or trade of fish caught by a recreational charter boat and all customary exchange; and (iv) prohibiting commercial fishing outside the Monument and non-commercial fishing within the Monument during the same trip.

On September 27, 2014, President Obama issued Presidential Proclamation 9173 titled "Pacific Remote Islands Marine National Monument Expansion" (PRI Monument Expansion). The PRI Monument Expansion includes the waters and submerged lands of Jarvis and Wake Islands and Johnston Atoll that lie from the PRI Monument boundary established in Proclamation 8336 to the seaward limit of the U.S. Exclusive Economic Zone (U.S. EEZ) (as established in Proclamation 5030 of March 10, 1983). The additional area is approximately 308,316 square nautical miles. The intent of the PRI Monument Expansion was to provide expanded protection to objects of scientific interest, including seamounts, deep sea corals, sea turtles, seabirds, and other migratory species.

Proclamation 9173 prohibited commercial fishing in the PRI Monument Expansion and directed the Secretaries of the Interior and Commerce to ensure that recreational and non-commercial fishing continue to be managed as sustainable activities in the PRI Monument and Monument Expansion. Nothing in Proclamation 9173 changed the management of the PRI Monument, and it did not affect the management or change the boundaries of any island or atoll in the PRI Monument.

At its 161st meeting held from October 20–23, 2014, in Honolulu, the Council recommended amending the

FEP regulations to implement the PRI Monument Expansion at Jarvis Island, Wake Island and Johnston Atoll as directed in Proclamation 9173. The Council further recommended that the regulations that now apply within the PRI Monument would be applicable within the PRI Monument Expansion. In this proposed action, and consistent with the existing requirements in the PRI Monument, commercial fishing would be prohibited within the PRI Monument Expansion, and managed non-commercial fishing would be allowed within the Monument Expansion as described above.

Consistent with the Proclamation and Council recommendations, this rule would amend regulations at 50 CFR part 665, subpart H. The fishing requirements for the Monument Expansion would include, among other things, the following:

- Prohibition of commercial fishing;
- Permit and reporting requirements for non-commercial and recreational fishing;
- Prohibition of conduct involving commercial fishing outside the PRI Monument and Monument Expansion and non-commercial fishing within the PRI Monument and Monument Expansion during the same trip; and
- Administrative housekeeping changes made in the 2013 final rule to the Federal permit and reporting requirements at §§ 665.13 and 665.14, and the vessel identification requirements at § 665.16.

Additional background information on this action is found in 78 FR 32996 (June 3, 2013), 78 FR 39583 (July 2, 2013), and 79 FR 58645 (September 29, 2014), and is not repeated here.

#### Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Fishery Ecosystem Plans for the Pacific Remote Island Areas and western Pacific pelagic fisheries, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

#### Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

#### Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not

have a significant economic impact on a substantial number of small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble to this proposed rule.

In January 2009, President Bush established, by Presidential Proclamation, the PRI Monument. NMFS implemented a final rule that codified the PRI Monument boundaries, prohibited commercial fishing in the PRI Monument, and established measures for managing non-commercial and recreational fishing in the Monument.

In September 2014, President Obama issued Presidential Proclamation 9173 that expanded the PRI Monument around Jarvis Island, Wake Island, and Johnston Atoll to the seaward limit of the U.S. Exclusive Economic Zone (EEZ). The additional area is approximately 308,315 square nautical miles, which, when combined with the PRI Monument, is an area of approximately 339,960 square nautical miles. This proposed rule would codify the PRI Monument Expansion boundaries and extend the existing fishing management measures, including those that apply to non-commercial fishing, to the expanded area.

The proposed rule would apply to the following categories of small entities: Commercial fishing vessels (NAICS code 114111) and recreational charter fishing vessels (NAICS code 487210). NMFS believes that almost all businesses operating as commercial and recreational charter vessels in the U.S. territories and in Hawaii would be considered small entities, with annual revenues below \$7.5 million and \$20.5 million, respectively. The proposed rule would apply to hundreds of fishing vessels, regardless of gear type and size, many of which are primarily non-commercial fishing vessels that occasionally sell fish or take clients out on charter fishing trips. However, as discussed below, the rule will likely have little effect on overall commercial fishing and charter fishing activities relative to the status quo.

Fishing interest and activity in the PRIA, even before the PRI Monument was created, and including fishing within EEZ waters outside of PRI Monument boundaries that were recently included in the expanded boundary around three PRI islands and an atoll, has been low. As of November 2014, the type and number of PRIA fishing permits issued are as follows: Western Pacific pelagic squid (0), troll handline (7), bottomfish (2), crustaceans (0), precious corals (0), coral reef

ecosystem (0), and Marine National Monument fishing (0). Even though NMFS issued several permits, fishing has been limited. In addition to the above permits, some commercial longline and purse seine fishing has also occurred in the EEZ around the PRIA in recent years, outside of PRI Monument waters. Within the EEZ around the PRIA, based on anecdotal information, a small amount of recreational fishing may be occurring by charter vessels visiting Palmyra Atoll from Hawaii, and this low amount of voyaging and fishing could extend to the PRI Monument Expansion areas around Jarvis. With the limited interest, activity, and information on commercial, non-commercial, and recreational fishing in and near the PRI Monument, NMFS estimates that up to 15 vessels would each make one trip annually to the PRI Monument, and most of these trips would be to Palmyra Atoll, which has facilities to support visitors.

This proposed rule would extend all existing PRI Monument requirements to the Monument Expansion areas. Proclamation 9173 prohibits commercial fishing in the Monument Expansion, so this proposed rule would codify that prohibition. This proposed rule could affect businesses operating commercial fishing and charter fishing vessels choosing to operate in the Monument Expansion. This is because the proposed rule prohibits the engaging in commercial fishing outside the Monument Expansion and non-commercial fishing inside the Monument Expansion during the same trip. Fishermen who wish to sell fish caught during their trip would not be able to fish non-commercially inside the Monument Expansion boundaries; this applies to all fishing vessels, as well as charter fishing vessels. This is likely to have little to no effect on revenues, as fishermen whose primary trip goal is to earn revenue, however modest, will choose not to fish non-commercially in the Monument.

Recreational charter vessel owners and operators would continue to be allowed to fish in the Monument Expansion under a Monument permit, but they may not sell, barter, or trade fish caught in the Monument Expansion, nor may they supplement trip fee revenues by selling fish caught outside the Monument Expansion on the same fishing trip in which they, their customers, or guests, conducted non-commercial or recreational fishing in the Monument Expansion.

In general, the primary revenue sources for charter fishing vessels are charter fees paid by customers and any revenue earned from selling fish would

supplement trip fees. The restriction on supplemental fish sales is not expected to have a significant impact to small charter fishing entities because the overall number of recreational fishing trips to the PRI Monument is likely to be less than ten to fifteen each year; indeed, none have been made in 2013–2014 within the Monument Expansion area. The potential overall number of recreational fishing trips to the newly Monument Expansion is likely to be very small relative to the total annual number of charter fishing trips taken by affected vessels outside the Monument Expansion.

The proposed rule does not duplicate, overlap, or conflict with other Federal rules and is not expected to have a significant impact on small entities (as discussed above), organizations or government jurisdictions. There do not appear to be disproportionate economic impacts from the proposed rule based on home port, gear type, or relative vessel size primarily because the remote distances required to be traveled by non-commercial fishing vessels is likely to reduce interest in fishing by most fishermen, except for fishermen who were already destined to visit the area (such as would occur at Palmyra Atoll Monument). The rule will not result in a benefit to any one class of vessel owners relative to home port, gear type, or relative vessel size: All vessels are welcome to apply for non-commercial permits, and only authorized gear types would be allowed to be used in the Monument Expansion. The proposed rule also will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As such, an initial regulatory flexibility analysis is not required and none has been prepared.

#### National Environmental Policy Act (NEPA)

In 2013, the Council prepared an environmental assessment (EA, April 30, 2013) that described the impact on the human environment that would result from implementation of the fishing requirements for the three monuments. Based on the EA, Regulatory Impact Review, evaluation of the economic impacts under the Regulatory Flexibility Act, review of the NEPA criteria for significant effects, NMFS criteria for significance evaluated above, and the information provided in the finding of no significant impact (FONSI, May 1, 2013), NMFS found that there would be no significant impact on the human environment as a result of the action. For this proposed rule, NMFS considered relevant new

information and circumstances, and none of the new information indicated that the proposed action would result in a change to impacts previously considered. Thus, NMFS concluded that there is no need to supplement the EA or FONSI.

#### Coastal Zone Management Act (CZMA)

Because this proposed rule would occur outside the coastal zone of any State and will not have reasonably foreseeable effects on any coastal use or resource, NMFS is not required to coordinate with State agencies under section 307 of the CZMA.

#### List of Subjects in 50 CFR Part 665

Administrative practice and procedure, Commercial fishing, Fisheries, Monuments and memorials, Pacific Remote Islands.

Dated: January 9, 2015.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 665 as follows:

#### PART 665—FISHERIES IN THE WESTERN PACIFIC

- 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

- 2. Revise § 665.930 to read as follows:

##### § 665.930 Scope and purpose.

The regulations in this subpart codify certain provisions of the Proclamations, and govern the administration of fishing in the Monument.

- 3. In § 665.931, revise paragraphs (a), (c), and (d) to read as follows:

\* \* \* \* \*

##### § 665.931 Boundaries.

(a) *Wake Island.* The Wake Island unit of the Monument includes the waters and submerged and emergent lands around Wake Island to the seaward limit of the U.S. EEZ.

\* \* \* \* \*

(c) *Jarvis Island.* The Jarvis Island unit of the Monument includes the waters and submerged and emergent lands around Jarvis Island to the seaward limit of the U.S. EEZ.

(d) *Johnston Atoll.* The Johnston Atoll unit of the Monument includes the waters and submerged and emergent lands around Johnston Atoll to the seaward limit of the U.S. EEZ.

\* \* \* \* \*

- 4. In § 665.932, revise the definition of “Monument”, remove the definition of

“Proclamation”, and add the definition of “Proclamations” in alphabetical order to read as follows:

**§ 665.932 Definitions.**

\* \* \* \* \*

*Monument* means the waters and submerged and emergent lands of the

Pacific Remote Islands Marine National Monument and the Pacific Remote Islands Marine National Monument Expansion, as defined in § 665.931.

\* \* \* \* \*

*Proclamations* means Presidential Proclamation 8336 of January 6, 2009, “Establishment of the Pacific Remote

Islands Marine National Monument,” and Presidential Proclamation 9173 of September 29, 2014, “Pacific Remote Islands Marine National Monument Expansion.”

[FR Doc. 2015–00444 Filed 1–13–15; 8:45 am]

**BILLING CODE 3510–22–P**

# Notices

Federal Register

Vol. 80, No. 9

Wednesday, January 14, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

January 8, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725-17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information

displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### Rural Utilities Service

*Title:* 7 CFR 1726, Electric System Construction Policies and Procedures—Electric.

*OMB Control Number:* 0572-0107.

*Summary of Collection:* The Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*, as amended, (RE ACT) in Sec. 4 (7 U.S.C. 904) authorizes and empowers the Administrator of the Rural Utilities Service (RUS) to make loans in the several States and Territories of the United States for rural electrification and the furnishing and improving of electric energy to persons in rural areas. These loans are for a term of up to 35 years and are secured by a first mortgage on the borrower's electric system. In the interest of protecting loan security and accomplishing the statutory objective of a sound program of rural electrification, Section 4 of the RE Act further requires that RUS make or guarantee a loan only if there is reasonable assurance that the loan, together with all outstanding loans and obligations of the borrower, will be repaid in full within the time agreed. RUS will collect information using various RUS forms.

*Need and Use of the Information:* RUS will collect information to implement certain provisions of the RUS standard form of loan documents regarding the borrower's purchase of materials and equipment and the construction of its electric system by contract or force account. The use of standard forms and procurement procedures helps assure RUS that appropriate standards and specifications are maintained; agency loan security is not adversely affected; and loan and loan guarantee funds are used effectively and for the intended purposes. The information will be used by RUS electric borrowers, their contractors and by RUS. If standard forms were not used, borrowers would need to prepare their own documents at a significant expense; and each document submitted by a borrower would require extensive and costly

review by both RUS and the Office of the General Counsel.

*Description of Respondents:* Not-for-profit institutions; Business or other for-profit.

*Number of Respondents:* 1,161.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 98.

### Rural Utilities Service

*Title:* 7 CFR part 1724 and part 1738 Electric Engineering, Architectural Services and Design Policies and Procedures; and Rural Broadband Access Loans and Loan Guarantees.

*OMB Control Number:* 0572-0118.

*Summary of Collection:* The Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*, as amended, authorizes Rural Utilities Service (RUS) to make loans in several States and Territories of the United States for broadband access and rural electrification and the furnishing and improving of electric energy to persons in rural areas. Title 7 CFR 1724 requires each borrower to select a qualified architect to perform certain architectural services and to use the designated form that provides for these services. The agency has developed standardized contractual forms used by borrowers to contract for services.

*Need and Use of the Information:* The information collected stipulates the parties to the agreement, contain certain information relating to the approved loan or loan guarantee, and provide detailed contractual obligations and services to be provided and performed relating to construction, project design, construction management, compensation, and related information. The contractual forms provide standardized contract agreements between the electric or broadband borrower and the engineering or architectural firm providing services to the borrower. This has resulted in substantial savings to borrowers by reducing preparation of the documentation and the costly review by the government.

*Description of Respondents:* Business or other for-profit; Not-for-profit institutions.

*Number of Respondents:* 59.

*Frequency of Responses:* Reporting: On occasion.

Total Burden Hours: 63.

Charlene Parker,

Departmental Information Collection  
Clearance Officer.

[FR Doc. 2015-00408 Filed 1-13-15; 8:45 am]

BILLING CODE 3410-15-P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket Number FSIS-2014-0038]

RIN 0583-AD40

### 2015 Rate Changes for the Basetime, Overtime, Holiday, and Laboratory Services Rates

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing the 2015 rates that it will charge meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection and identification, certification, and laboratory services. The 2015 basetime, overtime, holiday, and laboratory services rates will be applied beginning the first FSIS pay period approximately 30 days after the publication of this notice. This pay period begins on February 22, 2015.

**DATES:** FSIS will charge the rates announced in this notice beginning February 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** For further information contact Michael Toner, Director, Budget Division, Office of Management, FSIS, U.S. Department of Agriculture, Room 2159, South Building, 1400 Independence Avenue SW., Washington, DC 20250-3700; Telephone: (202) 690-8398, Fax: (202) 690-4155.

#### SUPPLEMENTARY INFORMATION:

#### Background

On April 12, 2011, FSIS published a final rule amending its regulations to establish formulas for calculating the rates it charges meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection and identification, certification, and laboratory services (76 FR 20220).

In the final rule, FSIS stated that it would use the formulas to calculate the annual rates, publish the rates in a **Federal Register** notice before the start of each calendar year and apply the

rates on the first FSIS pay period at the beginning of the calendar year.

This notice announces the 2015 rates, which will be applied starting on February 22, 2015.

#### 2015 Rates and Calculations

The following table lists the 2015 Rates per hour, per employee, by type of service:

Service	2015 Rate (estimates rounded to reflect billable quarters)
Basetime .....	\$55.60
Overtime .....	70.28
Holiday .....	85.00
Laboratory .....	70.52

The regulations state that FSIS will calculate the rates using formulas that include the Office of Field Operations (OFO) and Office of International Affairs (OIA) inspection program personnel's previous fiscal year's regular direct pay and regular hours (9 CFR 391.2, 391.3, 391.4, 590.126, 590.128, 592.510, 592.520, and 592.530). In 2013, an Agency reorganization eliminated the OIA program office and transferred all of its inspection program personnel to OFO. Therefore, pay and hours of inspection program personnel are identified in the calculations as "OFO inspection program personnel's" pay and hours.

FSIS determined the 2015 rates using the following calculations:

**Basetime Rate** = The quotient of dividing the OFO inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus the quotient multiplied by the calendar year's percentage of cost of living increase, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2015 basetime rate per hour per program employee is:

[FY 2014 OFO Regular Direct Pay divided by the previous fiscal year's Regular Hours (\$396,361,959/13,707,069)] = \$28.91 + (\$28.91 \* 1.7% (calendar year 2015 Cost of Living Increase)) = \$29.41 + \$8.78 (benefits rate) + \$.79 (travel and operating rate) + \$16.61 (overhead rate) + \$.02 (bad debt allowance rate) = \$55.60.

**Overtime Rate** = The quotient of dividing the Office OFO inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost of living

increase, multiplied by 1.5 (for overtime), plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2015 overtime rate per hour per program employee is:

[FY 2014 OFO Regular Direct Pay divided by previous fiscal year's Regular Hours (\$396,361,959/13,707,069)] = \$28.91 + (\$28.91 \* 1.7% (calendar year 2015 Cost of Living Increase)) = \$29.41 \* 1.5 = \$44.11 + \$8.78 (benefits rate) + \$.79 (travel and operating rate) + \$16.61 (overhead rate) + \$.02 (bad debt allowance rate) = \$70.30 (rounded to \$70.28).<sup>1</sup>

**Holiday Rate** = The quotient of dividing the OFO inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost of living increase, multiplied by 2 (for holiday pay), plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2015 holiday rate per hour per program employee calculation is:

[FY 2014 OFO Regular Direct Pay divided by Regular Hours (\$396,361,959/13,707,069)] = \$28.91 + (\$28.91 \* 1.7% (calendar year 2015 Cost of Living Increase)) = \$29.41 \* 2 = \$58.82 + \$8.78 (benefits rate) + \$.79 (travel and operating rate) + \$16.61 (overhead rate) + \$.02 (bad debt allowance rate) = \$85.00.<sup>2</sup>

**Laboratory Services Rate** = The quotient of dividing the Office of Public Health Science (OPHS) previous fiscal year's regular direct pay by the OPHS previous fiscal year's regular hours, plus the quotient multiplied by the calendar year's percentage cost of living increase, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2015 laboratory services rate per hour per program employee is:

[FY 2014 OPHS Regular Direct Pay/OPHS Regular hours (\$24,061,554/551,995)] = \$43.59 + (\$43.59 \* 1.7% (calendar year 2015 Cost of Living Increase)) = \$44.33 + \$8.78 (benefits rate) + \$.79 (travel and operating rate) + \$16.61 (overhead rate) + \$.02 (bad debt allowance rate) = \$70.52.

<sup>1</sup> FSIS can bill basetime, overtime, and holiday rates on the quarter hour. Accordingly, the 2015 overtime and holiday rates were rounded down so that rates can equally be divided by 4 (to 2 decimal places).

<sup>2</sup> Ibid.

### Calculations for the Benefits, Travel and Operating, Overhead, and Allowance for Bad Debt Rates

These rates are components of the basetime, overtime, holiday, and laboratory services rates formulas.

**Benefits Rate:** The quotient of dividing the previous fiscal year's direct benefits costs by the previous fiscal year's total hours (regular, overtime, and holiday), plus that quotient multiplied by the calendar year's percentage cost of living increase. Some examples of direct benefits are health insurance, retirement, life insurance, and Thrift Savings Plan basic and matching contributions.

The calculation for the 2015 benefits rate per hour per program employee is:

[FY 2014 Direct Benefits/(Total Regular hours + Total Overtime hours + Total Holiday hours) (\$140,056,558/16,226,581)] = \$8.63 + (\$8.63 \* 1.8% (calendar year 2015 Cost of Living Increase)) = \$8.78.

**Travel and Operating Rate:** The quotient of dividing the previous fiscal year's total direct travel and operating costs by the previous fiscal year's total hours (regular, overtime, and holiday), plus that quotient multiplied by the calendar year's percentage of inflation.

The calculation for the 2015 travel and operating rate per hour per program employee is:

[FY 2014 Total Direct Travel and Operating Costs/(Total Regular hours + Total Overtime hours + Total Holiday hours) (\$12,514,065/16,226,581)] = \$.77 + (\$.77 \* 1.8% (2015 Inflation)) = \$.79.

**Overhead Rate:** The quotient of dividing the previous fiscal year's indirect costs plus the previous fiscal year's information technology (IT) costs in the Public Health Data

Communication Infrastructure System Fund plus the previous fiscal year's Office of Management Program cost in the Reimbursable and Voluntary Funds plus the provision for the operating balance less any Greenbook costs (*i.e.*, costs of USDA support services prorated to the service component for which fees are charged) that are not related to food inspection by the previous fiscal year's total hours (regular, overtime, and holiday) worked across all funds, plus the quotient multiplied by the calendar year's percentage of inflation.

The calculation for the 2015 overhead rate per hour per program employee is:

[FY 2014 Total Overhead/(Total Regular hours + Total Overtime hours + Total Holiday hours) (\$264,700,950/16,226,581)] = \$16.31 + (\$16.31 \* 1.8% (2015 Inflation)) = \$16.61.

**Allowance for Bad Debt Rate** = Previous fiscal year's total allowance for

bad debt (for example, debt owed that is not paid in full by plants and establishments that declare bankruptcy) divided by previous fiscal year's total hours (regular, overtime, and holiday) worked.

The 2015 calculation for bad debt rate per hour per program employee is:

[FY 2014 Total Bad Debt/(Total Regular hours + Total Overtime hours + Total Holiday hours) = (\$365,480/16,226,581)] = \$.02.

### Additional Public Notification

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FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

### USDA Non-Discrimination Statement

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

### How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_)

12.pdf, or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

#### Mail

U.S. Department of Agriculture,  
Director, Office of Adjudication, 1400  
Independence Avenue SW.,  
Washington, DC 20250-9410.

#### Fax

(202) 690-7442.

#### Email

[program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done, at Washington, DC, on January 9, 2015.

**Alfred V. Almanza,**

*Acting Administrator.*

[FR Doc. 2015-00432 Filed 1-13-15; 8:45 am]

**BILLING CODE 3410-DM-P**

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2014-0046]

### Codex Alimentarius Commission: Meeting of the Codex Committee on Contaminants in Food

**AGENCY:** Office of the Under Secretary for Food Safety, USDA.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), Food and Drug Administration (FDA), and U.S. Department of Health and Human Services, are sponsoring a public meeting on February 23, 2015. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions that will be discussed at the 9th Session of the Codex Committee on Contaminants in Food (CCCF) of the Codex Alimentarius Commission (Codex), taking place in New Delhi, India, March 16-20, 2015. The Deputy Under Secretary for Food Safety and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 9th Session of the CCCF and to address items on the agenda.

**DATES:** The public meeting is scheduled for Monday, February 23, 2015, from 1:00-4:00 p.m.

**ADDRESSES:** The public meeting will take place at the Harvey W. Wiley Federal Building, United States Food and Drug Administration, Center for Food Safety and Applied Nutrition (CFSAN), 5100 Paint Branch Parkway, Room TBA, College Park, MD 20740.

Documents related to the 9th Session of the CCCF will be accessible via the World Wide Web at the following address: <http://www.codexalimentarius.org/meetings-reports/en/>.

Nega Beru, U.S. Delegate to the 9th Session of the CCCF invites interested U.S. parties to submit their comments electronically to the following email address [henry.kim@fda.hhs.gov](mailto:henry.kim@fda.hhs.gov).

### Registration

Attendees may register electronically at the same email address provided above by February 19, 2015. The meeting will be held in a Federal building; therefore, early registration is encouraged as it will expedite entry into the building and its parking area. You should also bring photo identification and plan for adequate time to pass through security screening systems. If you require parking, please include the vehicle make and tag number when you register. Attendees that are not able to attend the meeting in-person but wish to participate may do so by phone.

### Call In Number

If you wish to participate in the public meeting for the 9th Session of CCCF by conference call, please use the call-in number.

Call-In Number: 1-888-844-9904.

The participant code will be posted on the Web page below: <http://www.fsis.usda.gov/wps/portal/ffsis/topics/international-affairs/us-codex-alimentarius/public-meetings>.

*Further Information About the 9th Session of the CCCF Contact:* Henry Kim, Ph.D., Office of Food Safety, CFSAN/FDA, HFS-317, 5100 Paint Branch Parkway, College Park, MD 20740, Telephone: (240) 402-2023, Fax: (301) 436-2651, email: [henry.kim@fda.hhs.gov](mailto:henry.kim@fda.hhs.gov).

*For Further Information About the Public Meeting Contact:* Henry Kim, Ph.D., Office of Food Safety, CFSAN/FDA, HFS-317, 5100 Paint Branch Parkway, College Park, MD 20740, Telephone: (301) 436-2023, Fax: (301) 436-2651, email: [henry.kim@fda.hhs.gov](mailto:henry.kim@fda.hhs.gov).

### SUPPLEMENTARY INFORMATION:

#### Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and

the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in the food trade.

The CCCF is responsible for:

(a) Establishing or endorsing permitted maximum levels, and where necessary revising existing guideline levels for contaminants and naturally occurring toxicants in food and feed;

(b) Preparing priority lists of contaminants and naturally occurring toxicants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA);

(c) Considering and elaborating methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed;

(d) Considering and elaborating standards or codes of practice for related subjects;

(e) Considering other matters assigned to it by the Commission in relation to contaminants and naturally occurring toxicants in food and feed.

The Committee is chaired by The Netherlands.

### Issues to be Discussed at the Public Meeting

The following items on the Agenda for the 9th Session of the CCCF will be discussed during the public meeting:

- Matters Referred to the CCCF by the Codex Alimentarius Commission or its subsidiary bodies
- Proposed draft maximum levels for deoxynivalenol (DON) in raw cereal grains (wheat, maize and barley) including sampling plans and in flour, meal, semolina and flakes derived from wheat, maize or barley
- Maximum levels for lead in fruit juices and nectars (ready to drink), canned fruits, and canned vegetables
- Maximum levels for lead in selected fruits and vegetables
- Proposed draft maximum levels for inorganic arsenic in husked rice
- Proposed draft Code of Practice for the Prevention and Reduction of Arsenic Contamination in Rice
- Proposed draft revision of the Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals
- Proposed draft maximum level for total aflatoxins in ready-to-eat peanuts
- Proposed draft maximum levels for cadmium in chocolate and Cocoa-derived products

- Proposed draft maximum levels for DON and its acetylated derivatives in cereals and cereal based products
- Paper on submission and use of data from GEMS/Food
- Discussion paper on radionuclides
- Discussion paper on approaches for phasing in of lower MLs
- Discussion paper on maximum levels for methylmercury in fish
- Discussion paper on mycotoxin contamination in spices
- Discussion paper on feasibility to develop a Code of Practice for mycotoxins in spices
- Priority list of contaminants and naturally occurring toxicants proposed for evaluation by JECFA.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

### Public Meeting

At the February 23, 2015, public meeting, draft U.S. positions on the agenda items will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Dr. Henry Kim for the 9th Session of the CCCF (see **ADDRESSES**). Written comments should state that they relate to activities of the 9th Session of the CCCF.

### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete



subscriptions themselves, and have the option to password protect their accounts.

#### USDA Non-Discrimination Statement

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

#### How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

#### Mail

U.S. Department of Agriculture,  
Director, Office of Adjudication, 1400  
Independence Avenue SW.,  
Washington, DC 20250-9410.

#### Fax

(202) 690-7442.

#### Email

[program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC, on January 9, 2015.

**Paulo Almeida,**

*Acting, U.S. Manager for Codex Alimentarius.*

[FR Doc. 2015-00433 Filed 1-13-15; 8:45 am]

BILLING CODE 3410-DM-P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2014-0047]

#### Codex Alimentarius Commission: Meeting of the Codex Committee on Residues of Veterinary Drugs in Food

**AGENCY:** Office of the Under Secretary for Food Safety, USDA.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA) are sponsoring a public meeting on March 19, 2015. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions that will be discussed at the 22nd Session of the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) of the Codex Alimentarius Commission (Codex), taking place in San Jose, Costa Rica, from April 27–May 1, 2015. The Deputy Under Secretary for Food Safety and the Food and Drug Administration recognize the importance of providing interested parties the opportunity to obtain background information on the 22nd Session of CCRVDF, and to address items on the agenda.

**DATES:** The public meeting is scheduled for Thursday, March 19, 2015 from 1:00–4:00 p.m.

**ADDRESSES:** The public meeting will take place at the Jamie L. Whitten Building, United States Department of Agriculture, 1400 Independence Ave., Room 107–A, Washington, DC 20250.

Documents related to the 22nd Session of CCRVDF will be accessible via the World Wide Web at the following address: <http://www.codexalimentarius.org/meetings-reports/en/>.

Kevin Greenlees, U.S. Delegate to the 22nd Session of the CCRVDF, invites U.S. interested parties to submit their comments electronically to the following email address:

[Kevin.Greenlees@fda.hhs.gov](mailto:Kevin.Greenlees@fda.hhs.gov).

**Call In Number:** If you wish to participate in the public meeting for the 22nd Session of the CCRVDF, by conference call. Please use the call in number.

Call in Number: 1-888-858-2144.

The participant code will be posted on the Web page below: <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings>.

**Registration:** Attendees may register by emailing [uscodex@fsis.usda.gov](mailto:uscodex@fsis.usda.gov) by March 14, 2015. Early registration is encouraged because it will expedite entry into the building. The meeting will be held in a Federal building, you should also bring photo identification and plan for adequate time to pass through security screening systems. Attendees that are not able to attend the meeting in-person but wish to participate may do so by phone. Those wishing to participate by phone should check the following link <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings>.

[www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings/public-meetings](http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings/public-meetings) for the call-in number and participant code when they register for the meeting.

**For Further Information About the 22nd Session of the CCRVDF Contact:** Kevin Greenlees, Senior Advisor for Science & Policy, Food and Drug Administration, Office of New Animal Drug Evaluation, Center for Veterinary Medicine, 7520 Standish Place, HFV-100, Rockville, MD 20855, Tel: (240) 276-8214, Fax: (240) 276-9538, email: [Kevin.Greenlees@fda.hhs.gov](mailto:Kevin.Greenlees@fda.hhs.gov).

**For Further Information About the Public Meeting Contact:** Kenneth Lowery, US CODEX Office, 1400 Independence Ave. SW., Room 4861, Washington, DC 20250, Tel: (202) 690-4042, Fax: (202) 720-3157, email: [Kenneth.Lowery@fsis.usda.gov](mailto:Kenneth.Lowery@fsis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The CCRVDF is responsible for determining priorities for the consideration of residues of veterinary drugs in foods, recommending maximum levels of such substances; developing codes of practice as may be required, and considering methods of sampling and analysis for the determination of veterinary drug residues in foods.

The Committee is hosted by the United States of America.

#### Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 21st Session of the CCRVDF will be discussed during the public meeting:

- Discussion paper regarding the issues and concerns that impact the ability of the CCRVDF to efficiently perform its work
- Matters referred by the Codex Alimentarius Commission and other Codex Committees
- Matters of Interest arising from FAO/WHO and from the 78th Meeting of the Joint FAO/WHO Expert Committee on Food Additives (JECFA)

- Report of the OIE activities, including the harmonization of technical requirements for registration of veterinary medicinal products (VICH)
- Draft maximum residue levels (MRLs) for monepantel, at Step 7
- Proposed draft MRLs for derquantel, at Step 4
- Proposed draft MRLs for derquantel, emamectin benzoate, ivermectin, lasalocid sodium, and monepantel, at Step 3
- Proposed draft RMRs for dimitridazole, ipronnidazole, metronidazole, and ronidazole, at Step 4
- Draft provisions on establishment of MRLs for honey (for inclusion on the Risk Analysis Principles applied by the CCRVDF)
- Draft Priority list of veterinary drugs requiring evaluation or re-evaluation by JECFA (Report of the Electronic Working Group (EWG) on Priority)
- Alternative approach to move compounds from the database on countries need for MRLs to the JECFA Priority List (Report of the EWG on countries need for MRLs)
- Database on countries needs for MRLs
- Other business and future work.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

#### Public Meeting

At the March 19, 2015, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 22nd session of the CCRVDF, Kevin Greenlees (see **ADDRESSES**). Written comments should state that they relate to activities of the 22nd Session of the CCRVDF.

#### Additional Public Notification

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FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders.

The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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Send your completed complaint form or letter to USDA by mail, fax, or email:

#### Mail

U.S. Department of Agriculture,  
Director, Office of Adjudication, 1400  
Independence Avenue SW.,  
Washington, DC 20250-9410.

#### Fax

(202) 690-7442.

#### Email

[program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC, on January 9, 2015.

**Paulo Almeida,**

*Acting, U.S. Manager for Codex Alimentarius.*

[FR Doc. 2015-00431 Filed 1-13-15; 8:45 am]

**BILLING CODE 3410-DM-P**

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2014-0045]

#### Codex Alimentarius Commission: Meeting of the Codex Committee on Food Additives

**AGENCY:** Office of the Under Secretary for Food Safety, USDA.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** The Office of the Acting Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services are sponsoring a public meeting on February 17, 2015, from 9 a.m. to 12 p.m. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 47th Session of the Codex Committee on Food Additives (CCFA) of the Codex Alimentarius Commission (Codex), taking place in Xi'an, China, March 23-27, 2015. The Acting Under Secretary for Food Safety and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 47th Session of the CCFA and to address items on the agenda.

**DATES:** The public meeting is scheduled for Tuesday, February 17, 2015, from 9:00 a.m.-12:00 p.m.

**ADDRESSES:** The public meeting will take place at the Harvey Wiley Federal Building, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, Rooms 1A-001 and 1A-002, College Park, MD 20740.

Documents related to the 47th Session of the CCFA will be accessible via the World Wide Web at the following address: <http://www.codexalimentarius.org/meetings-reports/en/>.

Susan Carberry, U.S. Delegate to the 47th Session of the CCFA and FDA, invite U.S. interested parties to submit their comments electronically to the following email address: [ccfa@fda.hhs.gov](mailto:ccfa@fda.hhs.gov).

#### Registration

Attendees may register by emailing [ccfa@fda.hhs.gov](mailto:ccfa@fda.hhs.gov) by February 12, 2015. Early registration is encouraged because it will expedite entry into the building and its parking area. If you require parking, please include the vehicle make and tag number when you register. Because the meeting will be held in a Federal building, you should also bring

photo identification and plan for adequate time to pass through security screening systems. Attendees that are not able to attend the meeting in person but wish to participate may do so by phone. Those wishing to participate by phone should request the call-in number and conference code when they register for the meeting.

*For Further Information about the 47th Session of the CCFA Contact:* Susan Carberry, Ph.D., Supervisory Chemist, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition CFSAN/FDA, Division of Petition Review, 5100 Paint Branch Parkway, HFS-205, College Park, MD 20740, Telephone: (240) 402-1269, Fax: (301) 436-2972, email: [susan.carberry@fda.hhs.gov](mailto:susan.carberry@fda.hhs.gov).

*For Further Information about the Public Meeting Contact:* Daniel E. Folmer, Ph.D., Review Chemist, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition CFSAN/FDA, Division of Petition Review, 5100 Paint Branch Parkway, HFS-265, College Park, MD 20740, Telephone: (240) 402-1269, Fax: (301) 436-2972, email: [daniel.folmer@fda.hhs.gov](mailto:daniel.folmer@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The CCFA establishes or endorses permitted maximum levels for individual food additives; prepares priority lists of food additives for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA); assigns functional classes and International Numbering System (INS) numbers to individual food additives; recommends specifications of identity and purity for food additives for adoption by Codex; considers methods of analysis for the determination of additives in food; and considers and elaborates standards or codes for related subjects such as labeling of food additives when sold as such. The CCFA is hosted by China.

##### Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 47th Session of the CCFA will be discussed during the public meeting:

- Matters Referred by Codex and other Codex committees
  - Matters of Interest arising from FAO/WHO and from the 79th Meeting of the JECFA
  - Proposed draft Specifications for Identity and Purity of Food Additives arising from the 79th JECFA Meeting
  - Endorsement or Revision of Maximum Levels for Food Additives and Processing Aids in Codex standards
  - Alignment of the food additive provisions of commodity standards and relevant provisions of the General Standard for Food Additives
  - Provisions in Tables 1 and 2 for food additives listed in Table 3 with: (i) "acidity regulator" function for use other than as acidity regulators; and (ii) for other Table 3 food additives with functions other than "emulsifier, stabilizer, thickener," "colour," and "sweeteners"—pending from CCFA 46
  - Provisions in Tables 1 and 2 for food additives listed in Table 3 with "emulsifier, stabilizer, thickener" function for their use for technological function other than as emulsifier, stabilizer, thickener
  - Food additive provisions in Tables 1 and 2 in food categories 01.2 through 08.4, with the exclusion of food categories 04.1.2.4, 04.2.2.4, 04.2.2.5, 04.2.2.6, 05.1.1, 05.1.3, and 05.1.4
  - Food additive provisions of food category 14.2.3 "Grape wines" and its sub-categories (information on actual use levels and recommendations)
  - Provisions for cyclotetraglucose (INS 1504(i)), cyclotetraglucose syrup (INS 1504(ii)) and nisin (INS 234)
  - Proposal for revision of food category 01.1 "Milk and dairy based drinks" and its sub-categories
  - Note 161—Application of alternative note to provisions for sweeteners
  - Proposals for new or revision of food additive provisions
  - Proposed draft revision to the INS for Food Additives
  - Proposals for additions and changes to the Priority List of Substances proposed for evaluation by JECFA
  - Information on the availability of data for the re-evaluation of six priority colours
  - Information on commercial use of potassium diacetate (INS 261(ii)) in food
  - Discussion paper on secondary additives
  - Discussion paper on the inconsistent terminology related to flavourings in Codex texts
  - Other Business and Future Work.
- Each issue listed will be fully described in documents distributed, or

to be distributed, by the Codex Secretariat prior to the meeting. Members of the public may access these documents at [ftp://ftp.fao.org/codex/meetings/CCFA/ccfa46/](http://ftp.fao.org/codex/meetings/CCFA/ccfa46/).

##### Public Meeting

At the February 17, 2015, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 47th Session of the CCFA, Dr. Susan Carberry at the following email address: [ccfa@fda.hhs.gov](mailto:ccfa@fda.hhs.gov). Written comments should state that they relate to activities of the 47th Session of the CCFA.

##### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

##### USDA Non-Discrimination Statement

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

## How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

### Mail

U.S. Department of Agriculture,  
Director, Office of Adjudication, 1400  
Independence Avenue SW.,  
Washington, DC 20250-9410.

### Fax

(202) 690-7442.

### Email

[program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC, on January 9, 2015.

**Paulo Almeida,**

*Acting, U.S. Manager for Codex Alimentarius.*

[FR Doc. 2015-00435 Filed 1-13-15; 8:45 am]

**BILLING CODE 3410-DM-P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Energy Answers Arecibo Puerto Rico Renewable Energy Project: Notice of Extension of Public Comment Period, Notice of Public Scoping Meeting and Intent to Prepare an Environmental Impact Statement

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of a 30-day extension to the public comment period, notice of public scoping meeting and intent to prepare an Environmental Impact Statement.

**SUMMARY:** On November 28, 2014, Rural Utilities Service (RUS) published a Notice of Intent (NOI) announcing its intent to cancel a Supplemental Final Environmental Impact Statement (SFEIS) and prepare a Draft Environmental Impact Statement (DEIS) in association with a financial assistance request for a proposal submitted to the Agency by Energy Answers Arecibo, LLC (Energy Answers). RUS is extending the comment period by an additional 30 days from the date of this notice. RUS

intends to conduct public scoping, conduct a public scoping meeting, and prepare an Environmental Impact Statement (EIS) to meet its responsibilities under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's regulations for implementing NEPA (40 CFR parts 1500-1508), and RUS's Environmental and Policies and Procedures (7 CFR part 1794) in connection with potential impacts related to the Energy Answers proposal. The proposal consists of constructing a waste-to-energy generation and resource recovery facility in the Cambalache Ward of Arecibo, Puerto Rico. RUS is providing notice of the intention to conduct public scoping and prepare an EIS related to the proposal submitted by Energy Answers.

RUS is considering funding this application, thereby making the proposal an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470(f), and its implementing regulation, "Protection of Historic Properties" (36 CFR part 800). Any party wishing to participate directly with RUS as a "consulting party" in Section 106 review may submit a written request to the RUS contact provided below. Pursuant to 36 CFR 800.3(f)(3), RUS will consider, and provide a timely response to, any and all requests for consulting party status.

**DATES:** Written requests to participate as a "consulting party" and/or comments concerning the public scoping or about this Notice of Intent must be received on or before February 13, 2015. A notice of availability of a Draft EIS will be published in the **Federal Register** and local newspapers announcing its review period. A public scoping meeting will be held on January 28, 2015 from 3:00-7:00 p.m. at the *Colegio de Ingenieros y Agrimensores de Puerto Rico, Capitulo de Arecibo*, Ave. Manuel T. Guillán 1, Arecibo. The public scoping meeting will be conducted in an open house format with a court reporter available for transcription of verbal comments.

**ADDRESSES:** Project-related information will be available at RUS's Web site located at: <http://www.rurdev.usda.gov/UWP-AreciboPuertoRico.html> and at the *Tribunal General de Justicia, Centro Judicial de Arecibo* and at the *Casa Alcaldía del Municipio de Arecibo*.

To request "consulting party" status, submit comments or for further information, please contact: Ms. Stephanie Strength, Environmental Protection Specialist, USDA/RUS, 1400 Independence Ave. SW., Room 2244-S, Stop 1571, Washington, DC 20250-

1571, Telephone: (970) 403-3559, fax: (202) 690-0649, or email: [stephanie.strength@wdc.usda.gov](mailto:stephanie.strength@wdc.usda.gov).

**SUPPLEMENTARY INFORMATION:** On November 28, 2014, Rural Utilities Service (RUS) published a Notice of Intent (NOI) announcing its intent to cancel a Supplemental Final Environmental Impact Statement (SFEIS) and prepare a Draft Environmental Impact Statement (DEIS) in association with a financial assistance request for a proposal submitted to the Agency by Energy Answers Arecibo, LLC (Energy Answers). RUS is extending the comment period by an additional 30 days from the date of this notice. RUS intends to conduct public scoping, conduct a public scoping meeting, and prepare an Environmental Impact Statement (EIS) and is soliciting public comments on the scope of an EIS that it intends to prepare for Energy Answers' proposal. In accordance with 7 CFR 1794.74 and 40 CFR 1502.21, RUS intends to incorporate by reference the environmental impact analyses and documentation prepared by the Puerto Rico Industrial Development Company (PRIDCO). PRIDCO served as a lead agency in preparation of an EIS prepared under the Puerto Rico Environmental Public Policy Act, Article 4(B)(3), (Law No. 416, September 22, 2004). RUS has copies of this EIS and all associated appendices posted on this Web site: <http://www.rurdev.usda.gov/UWP-AreciboPuertoRico.html>. RUS also intends to incorporate by reference all of the environmental impact and air quality analyses and responses to public comments prepared by the U.S. Environmental Protection Agency (USEPA) as part of its Clean Air Act, Prevention of Significant Deterioration (PSD) permit. USEPA issued a final effective PSD permit on April 10, 2014, and information related to the PSD permit can be found on USEPA's Web site—see: <http://www.epa.gov/region02/air/permit/energyanswers/>.

RUS is in receipt of all past public involvement activities, public comments, and responses to public comments from both PRIDCO and USEPA actions. While RUS understands the concerns expressed in the past by the public, the Agency strongly encourages all interested parties to submit scoping comments to the RUS contact listed in the **ADDRESSES** section of this Notice.

Energy Answers proposes to construct a waste-to-energy generation and resource recovery facility in the Cambalache Ward of Arecibo, Puerto

Rico. The proposed facility would process approximately 2,100 tons of municipal waste per day and generate a gross capacity of approximately 77 megawatts (MW). The Puerto Rico Electric Power Authority will purchase the power generated from the facility. The preferred location of the facility is the former site of the Global Fibers Paper Mill and would encompass approximately 79.6 acres of the 90-acre parcel. The proposal would include the following facility components: A municipal solid waste receiving and processing building; processed refuse fuel storage building; boiler and steam turbine; emission control system; ash processing and storage building; and other associated infrastructure and buildings. Two other connected actions include installation of an approximately 2.0-mile raw water line and construction of a 115 kilovolt (kV) transmission line approximately 0.8 miles in length. The connected actions will be addressed in the EIS.

Among the alternatives that RUS will address in the EIS is the No Action alternative, under which the proposal would not be undertaken. In the EIS, the effects of the proposal will be compared to the existing conditions in the proposal area. Public health and safety, environmental impacts, and engineering aspects of the proposal will be considered in the EIS.

RUS is the lead Federal agency, as defined at 40 CFR 1501.5, for preparation of the EIS. With this Notice, Federal and State agencies and federally recognized Native American Tribes with jurisdiction or special expertise are invited to be cooperating agencies. Such agencies or tribes may make a request to RUS to be a cooperating agency by contacting the RUS contact provided in this Notice. Designated cooperating agencies have certain responsibilities to support the NEPA and scoping process, as specified at 40 CFR 1501.6(b).

As part of its broad environmental review process, RUS must take into account the effect of the proposal on historic properties in accordance with Section 106 of the National Historic Preservation Act (Section 106) and its implementing regulation, "Protection of Historic Properties" (36 CFR part 800). Pursuant to 36 CFR 800.2(d)(3), RUS is using its procedures for public involvement under NEPA to meet its responsibilities to solicit and consider the views of the public during Section 106 review. Accordingly, comments submitted in response to this Notice will inform RUS decision-making during Section 106 review.

As applicable, the EIS will document changes in the affected environment and

environmental consequences that may have occurred since the PRIDCO-prepared Final EIS was published in 2010 and USEPA's PSD permit action. The PRIDCO-prepared Final EIS is available in both Spanish and English for review at the addresses provided in this Notice. USEPA PSD permit actions are available for review at the address provided in this notice. RUS's EIS will incorporate this documentation by reference and focus on those topics that have changed since PRIDCO's Final EIS was published. RUS's Draft EIS will be available for review and comment for 45 days. Following the 45-day review period, RUS will prepare a Final EIS. After a 30-day review period, RUS will publish a Record of Decision (ROD). Notices announcing the availability of the Draft EIS, Final EIS and the ROD will be published in the **Federal Register** and in local newspapers.

Any final action by RUS related to the proposal will be subject to, and contingent upon, compliance with all relevant executive orders and federal, state, and local environmental laws and regulations in addition to the completion of the environmental review requirements as prescribed in RUS's Environmental Policies and Procedures, 7 CFR part 1794, as amended.

Dated: January 7, 2015.

**Richard Fristik,**

*Acting Director, Engineering and Environmental Staff, USDA, Rural Utilities Service.*

[FR Doc. 2015-00409 Filed 1-13-15; 8:45 am]

**BILLING CODE 3410-15-P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* U.S. Census Bureau.

*Title:* Current Population Survey, Annual Social and Economic Survey.

*OMB Control Number:* 0607-0354.

*Form Number(s):* There are no forms.

We conduct all interviews on computers.

*Type of Request:* Emergency review.

*Number of Respondents:* 78,000.

*Average Hours per Response:* 0.41667.

*Burden Hours:* 32,500.

*Needs and Uses:* The income data from the ASEC are used by social planners, economists, government officials, and market researchers to

gauge the economic well-being of the country as a whole, and selected population groups of interest. Government planners and researchers use these data to monitor and evaluate the effectiveness of various assistance programs. Market researchers use these data to identify and isolate potential customers. Social planners use these data to forecast economic conditions and to identify special groups that seem to be especially sensitive to economic fluctuations. Economists use ASEC data to determine the effects of various economic forces, such as inflation, recession, recovery, and so on, and their differential effects on various population groups.

*Affected Public:* Individuals or households.

*Frequency:* Annually.

*Respondent's Obligation:* Voluntary.

**Legal Authority:** Title 13, United States Code, Section 182; and Title 29, United States Code, Sections 1-9.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 14 days of publication of this notice to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

Dated: January 9, 2015.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2015-00452 Filed 1-13-15; 8:45 am]

**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* U.S. Census Bureau.

*Title:* Current Population Survey, Annual Social and Economic (Parallel) Survey.

*OMB Control Number:* None.

*Form Number(s):* There are no forms.

We conduct all interviews on computers.

*Type of Request:* Emergency review.

*Number of Respondents:* 28,000.

*Average Hours per Response:* 0.5.

*Burden Hours:* 14,000.

**Needs and Uses:** At the request of the U.S. Congress, the Census Bureau plans to request clearance for the collection of data concerning the Annual Social and Economic Supplement (ASEC) to be conducted in conjunction with the March Current Population Survey (CPS). This data collection will be completely separate and independent from the ASEC conducted in February, March, and April.

This data collection will mirror that which was collected in survey year 2013, prior to the recent redesign of income and health insurance questions in 2014. The resulting data will serve to provide a baseline for comparison to data collected in February, March, and April from the 2015 ASEC, which will consist of the redesigned questions.

**Affected Public:** Individuals or Households.

**Frequency:** Annually.

**Respondent's Obligation:** Voluntary.

**Legal Authority:** Title 13, United States Code, Section 182; and Title 29, United States Code, Sections 1–9.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA\_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: January 9, 2015.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2015–00454 Filed 1–13–15; 8:45 am]

**BILLING CODE 3510–07–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[S–001–2015]

#### Foreign-Trade Zone 30—Salt Lake City, Utah, Application for Subzone, Red Wing Shoe Company, Inc., Salt Lake City, Utah

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Salt Lake City Corporation, grantee of FTZ 30, requesting subzone status for the facility of Red Wing Shoe Company, Inc., located in Salt Lake City, Utah. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on January 8, 2015.

The proposed subzone (10.8 acres) is located at 1841, 1883, 1901 and 1941 South 5070 West, Salt Lake City. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 30.

In accordance with the Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is February 23, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 10, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the "Reading Room" section of the Board's Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

For further information, contact Christopher Kemp at [christopher.kemp@trade.gov](mailto:christopher.kemp@trade.gov) or (202) 482–0862.

Dated: January 8, 2015.

**Andrew McGilvray,**  
*Executive Secretary.*

[FR Doc. 2015–00451 Filed 1–13–15; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XD701

#### Nominations for the Western and Central Pacific Fisheries Commission Permanent Advisory Committee

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

**ACTION:** Notice; request for nominations.

**SUMMARY:** NMFS, on behalf of the Secretary of Commerce, is seeking nominations for the advisory committee established under the Western and Central Pacific Fisheries Convention Implementation Act (Act). The Permanent Advisory Committee, composed of individuals from groups concerned with the fisheries covered by

the Western and Central Pacific Fisheries Convention (Convention), will be given the opportunity to provide input to the United States Commissioners to the Western and Central Pacific Fisheries Commission (Commission) regarding the deliberations and decisions of the Commission.

**DATES:** Nominations must be received no later than March 2, 2015.

**ADDRESSES:** Nominations should be directed to Michael Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office, and may be submitted by any of the following means:

- **Email:** [pir.wcpfc@noaa.gov](mailto:pir.wcpfc@noaa.gov). Include in the subject line the following document identifier: "Permanent Advisory Committee nominations". Email comments, with or without attachments, are limited to 5 megabytes.

- **Mail or hand delivery:** 1845 Wasp Boulevard, Bldg 176, Honolulu, HI 96818.

- **Facsimile:** 808–725–5215.

#### FOR FURTHER INFORMATION CONTACT:

Emily Crigler, NMFS Pacific Islands Regional Office; telephone: 808–725–5036; facsimile: 808–725–5215; email: [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### The Convention and the Commission

The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and the Agreement for the Implementation of the Provisions of the UNCLOS Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Convention establishes the Commission, the secretariat of which is based in Pohnpei, Federated States of Micronesia.

The Convention applies to all highly migratory fish stocks (defined as all fish stocks of the species listed in Annex I of the UNCLOS occurring in the Convention Area, and such other species of fish as the Commission may determine), except sauries.

The United States actively supported the negotiations and the development of the Convention and signed the Convention when it was opened for signature in 2000. It participated as a cooperating non-member of the Commission since it became operational in 2005. The United States became a Contracting Party to the Convention and a full member of the Commission when

it ratified the Convention in January 2007. Under the Act, the United States is to be represented on the Commission by five United States Commissioners, appointed by the President.

#### Permanent Advisory Committee

The Act (16 U.S.C. 6902) provides (in section 6902(d)) that the Secretary of Commerce, in consultation with the United States Commissioners to the Commission, will appoint individuals as members of the advisory committee established under the Act, referred to here as the "Permanent Advisory Committee".

The appointed members of the Permanent Advisory Committee are to include not less than 15 nor more than 20 individuals selected from the various groups concerned with the fisheries covered by the Convention, providing, to the extent practicable, an equitable balance among such groups. On behalf of the Secretary of Commerce, NMFS is now seeking nominations for these appointments.

In addition to the 15–20 appointed members, the Permanent Advisory Committee includes the chair of the Western Pacific Fishery Management Council's Advisory Committee (or designee), and officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

Members of the Permanent Advisory Committee will be invited to attend all non-executive meetings of the United States Commissioners to the Commission and at such meetings will be given opportunity to examine and be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

Each appointed member of the Permanent Advisory Committee will serve for a term of two years and is eligible for reappointment. This request for nominations is for the term to begin on or after August 3, 2015, and is for a term of two consecutive years.

The Secretaries of Commerce and State will furnish the Permanent Advisory Committee with relevant information concerning fisheries and international fishery agreements.

NMFS, on behalf of the Secretary of Commerce, will provide to the Permanent Advisory Committee administrative and technical support services as are necessary for its effective functioning.

Appointed members of the Permanent Advisory Committee will serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory

committee will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code. They will not be considered Federal employees while performing service as members of the advisory committee except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code and Chapter 171 of title 28, United States Code.

#### Procedure for Submitting Nominations

Nominations for the Permanent Advisory Committee should be submitted to NMFS (see **ADDRESSES**). This request for nominations is for first-time nominees as well as previous and current Permanent Advisory Committee members. Self nominations are acceptable. Nominations should include the following information: (1) Full name, address, telephone, and email address of nominee; (2) nominee's organization(s) or professional affiliation(s) serving as the basis for the nomination, if any; and (3) a background statement, not to exceed one page in length, describing the nominee's qualifications, experience and interests, specifically as related to the fisheries covered by the Convention.

**Authority:** 16 U.S.C. 6902.

Dated: January 9, 2015.

**Emily H. Menashes,**

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

[FR Doc. 2015–00412 Filed 1–13–15; 8:45 am]

**BILLING CODE 3510–22–P**

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### Information Collection; Submission for OMB Review, Comment Request

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled National Assessment of the Social Innovation Fund (SIF) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Lily

Zandniapour, Ph.D., at 202–606–6939 or email to [lzandniapour@cns.gov](mailto:lzandniapour@cns.gov).

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

**ADDRESSES:** Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to:* [smar@omb.eop.gov](mailto:smar@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

#### Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on May 2, 2014. This comment period ended July 1, 2014. No public comments were received from this Notice.

**Description:** CNCS is seeking approval of National Assessment of the Social Innovation Fund (SIF)], which is used by the Office of Research and Evaluation to collect information on the effects of participation in SIF on organizations and communities. The information is needed for program improvement and planning and to assess program impact. Data will be collected from three groups of organizations: (1) Grantees funded by SIF (intermediaries), (2) non-funded SIF applicant organizations, and (3) a



national probability sample of other nonprofit grant making organizations.

*Type of Review:* New.

*Agency:* Corporation for National and Community Service.

*Title:* National Assessment of the Social Innovation Fund (SIF).

*OMB Number:* None.

*Agency Number:* None.

*Affected Public:* CNCS-funded SIF intermediaries; non-funded applicant organizations; other nonprofit grant making organizations.

*Total Respondents:* 539.

*Frequency:* Annual for two years.

*Average Time per Response:* 23.0 minutes,

*Estimated Total Burden Hours:* 206.8,

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

Dated: January 5, 2015.

**Mary Morris Hyde,**

*Deputy Director, Office of Research and Evaluation.*

[FR Doc. 2015-00445 Filed 1-13-15; 8:45 am]

**BILLING CODE 6050-28-P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Information Collection; Submission for OMB Review, Comment Request

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Social Innovation Fund Progress Report and Performance Measure Module for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Keisha Kersey, at 202-606-3905 or email to [kkersey@cns.gov](mailto:kkersey@cns.gov). Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 1-800-833-3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

**ADDRESSES:** Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for

National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

- (1) By fax to: 202-395-6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or
- (2) By email to: [smar@omb.eop.gov](mailto:smar@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

### Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on July 10, 2013. This comment period ended September 9, 2013. We received one comment from the public regarding the potential additional burden of collecting the information quarterly and of collecting performance measures by subgrantees, and that some of the information to be collected was duplicative. We have addressed these comments in the following ways. First, only first year grantees will submit progress reports quarterly. All other grantees will submit reports on a biannual basis. Second, we will not be collecting performance measures by subgrantees and will continue to collect performance measures in aggregate by the intermediary. Finally, grantees will no longer submit performance measures via the project plan in eGrants, but will provide that information in one place in the data supplement, preventing duplication per the concerns of the commenter.

*Description:* In an attempt to streamline data collection processes and reduce reporting burdens, the Social Innovation Fund is revising the way in

which it collects performance progress information from grantees. These revisions include a revised progress report, a Data Supplement, and a new performance measure module.

*Type of Review:* New.

*Agency:* Corporation for National and Community Service.

*Title:* Social Innovation Fund Progress Report and Performance Measure Module.

*OMB Number:* TBD.

*Agency Number:* None.

*Affected Public:* Social Innovation Fund grantees.

*Total Respondents:* 27.

*Frequency:* The information will be collected biannually for existing grantees and quarterly for first year grantees.

*Average Time per Response:* 3 hours.

*Estimated Total Burden Hours:* 81.

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

Dated: January 9, 2015.

**Melissa Bradley,**

*Interim Director.*

[FR Doc. 2015-00448 Filed 1-13-15; 8:45 am]

**BILLING CODE 6050-28-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal Nos. 14-59]

### 36(b)(1) Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 14-59 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: January 8, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001-06-P**





DEFENSE SECURITY COOPERATION AGENCY  
201 12TH STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

DEC 11 2014

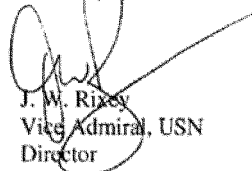
Honorable John A. Boehner  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-59, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services estimated to cost \$150 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with the principles set forth in subsection 620C(b) of that Act as codified in section 2373 of title 22, United States Code.

Sincerely,



J. W. Rixey  
Vice Admiral, USN  
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Section 620C(d)



**CERTIFICATION PURSUANT TO § 620C(d)  
OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED**

Pursuant to Section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163 and State Department Delegation of Authority No. 293-2, I hereby certify that the furnishing to Greece of 10 CH-47D helicopters and other defense equipment is consistent with the principles contained in Section 620C(b) of the Act.

This certification will be made part of the notification to Congress under Section 36(b) of the Arms Export Control Act, as amended, regarding the proposed sale of the above-named articles and services and is based on the justification accompanying such notification, of which such justification constitutes a full explanation.



Rose Gottemoeller  
Under Secretary of State  
for Arms Control and International  
Security

**BILLING CODE 5001-06-C**

Transmittal No. 14-59

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) Of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Greece

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	\$ 57.2 mil- lion
Other .....	\$ 92.8 mil- lion

TOTAL .....	\$150.0 mil- lion.
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\* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under*

*Consideration for Purchase:* 10 CH-47D Model Chinook Helicopters to include 23 T55-GA-714A Engines (20 installed and, 3 spares), 12 AN/AAR-57 Common Missile Warning System (10 installed and 2 spares), 12 AN/ARC-220 High Frequency (HF) Radios, 12 AN/ARC-186 Very High Frequency (VHF) AM/FM Radios, 12 AN/ARC-164 Ultra High Frequency (UHF)-AM, 12 AN/ARN 123 VOR ILS Marker Beacons, 12 AN/ARN-89 or AN/ARN-149 Direction Finder Sets, 12 AN/ASN-128 Doppler/Global Positioning System Navigation Sets, 12 AN/ARC-201D or AN/ARC-201E VHF FM Homing Radios, 12 AN/APX-118 Transponders, 3 AN/APX-118A Transponders, 12 AN/APR-39A(V)1

Radar Signal Detecting Sets, mission equipment, communication and navigation equipment, Maintenance Work Orders/Engineering Change Proposals (MWO/ECPs), aircraft hardware and software support, repair and return, spare and repair parts, publications and technical documentation, support equipment, minor modifications, personnel training and training equipment, U.S. government and contractor technical and engineering support services, and other related elements of logistics and program support.

(iv) *Military Department:* Army (XOP)

(v) *Prior Related Cases:* None

(vi) *Sales Commission, Fee, etc., Paid, offered, or Agreed to be paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 11 Dec 14

#### POLICY JUSTIFICATION

##### Greece—CH-47D Chinook Helicopters

The Government of Greece has requested a possible sale of 10 CH-47D Model Chinook Helicopters to include 23 T55-GA-714A Engines (20 installed and, 3 spares), 12 AN/AAR-57 Common Missile Warning System (10 installed and 2 spares), 12 AN/ARC-220 High Frequency (HF) Radios, 12 AN/ARC-186 Very High Frequency (VHF) AM/FM Radios, 12 AN/ARC-164 Ultra High Frequency (UHF)-AM, 12 AN/ARN 123 VOR ILS Marker Beacons, 12 AN/ARN-89 or AN/ARN-149 Direction Finder Sets, 12 AN/ASN-128 Doppler/Global Positioning System Navigation Sets, 12 AN/ARC-201D or AN/ARC-201E VHF FM Homing Radios, 12 AN/APX-118 Transponders, 3 AN/APX-118A Transponders, 12 AN/APR-39A(V)1 Radar Signal Detecting Sets, mission equipment, communication and navigation equipment, Maintenance Work Orders/Engineering Change Proposals (MWO/ECPs), aircraft hardware and software support, repair and return, spare and repair parts, publications and technical documentation, support equipment, minor modifications, personnel training and training equipment, U.S. government and contractor technical and engineering support services, and other related elements of logistics and program support. The estimated cost is \$150 million.

This proposed sale of these helicopters and support will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO ally.

This sale will contribute to both the United States' and Greece's defense and security goal of greater stability in the Balkans and the Levant regions by enhancing a critical helicopter lift capability. Additionally, this sale will facilitate greater interoperability of Greek systems both bilaterally and within NATO. Greece, which already operates CH-47s, will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of these helicopters and support will not alter the basic military balance in the region.

There is no principal contractor as the systems will be coming from U.S. Army

stock. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of U.S. Government or contractor representatives to Greece at some point in future.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 14-59

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) Of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. Identification and security classification of classified equipment, major components, subsystems, software, and technical data (performance, maintenance, operational (R&M, etc), documentation, training devices, and services to be conveyed with the purposed sale are classified up to Secret. The CH-47D is a medium lift aircraft, remanufactured from CH-47A, B, and C aircraft. The avionic system in the CH-47D helicopter consists of the following communications equipment: HF (AN/ARC-220), VHF AM/FM (AN/ARC-186) and UHF-AM (AN/ARC 164). The navigation equipment includes Automatic Direction Finder (AN/ARN-89 or 149), VOR ILS Marker Beacon (AN/ARN 123), Doppler/GPS (AN/ASN 128) Navigation System, and VHF FM Homing (AN/ARC-201D) provided through the FM communications radio. Transponder equipment (AN/APX-118 and AN/APX-118A) consists of an IFF receiver with inputs from the barometric altimeter for altitude encoding. Mission equipment consists of the radar signal detecting set, (AN/APR-39A (V) 1) and the Common Missile Warning System (CMWS) AN/AAR-57.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

3. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the US foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been

authorized for release and export to the Government of Greece.

[FR Doc. 2015-00371 Filed 1-13-15; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Proposed Reduction in Hours of Operation at Okeechobee Waterway Ranging From the Atlantic Ocean at Stuart, FL to the Gulf of Mexico at Fort Myers, FL

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice.

**SUMMARY:** The U.S. Army Corps of Engineers Jacksonville District is seeking comment from the public on a proposal to reduce the lock operating hours on the Okeechobee Waterway.

The new proposed operating hours at each of the five locks are 7 a.m. to 5 p.m., seven days a week. The proposed change would take effect no earlier than April 1, 2015 and would impact the following locks:

- Moore Haven Lock on the west side of Lake Okeechobee
- Ortona Lock near LaBelle
- Port Mayaca Lock on the east side of Lake Okeechobee
- St. Lucie Lock near Stuart
- W.P. Franklin Lock near Fort Myers

The changes are the result of an evaluation of the service levels at each lock as the U.S. Army Corps of Engineers seek methods to gain efficiencies on water transit systems across the nation. The changes will allow the U.S. Army Corps of Engineers to reduce costs while still maintaining operating hours that accommodate 95 percent of the boat traffic passing through the locks.

**DATES:** Submit written comments concerning this notice by February 13, 2015.

**ADDRESSES:** Written inquiries can be sent to Mr. Carl Williams at U.S. Army Corps of Engineers South Florida Operations Office located at 525 Ridgelawn Road, Clewiston, FL 33440. Email inquiries can be sent to [PublicMail.CESAJ-CC@USACE.Army.mil](mailto:PublicMail.CESAJ-CC@USACE.Army.mil). Please direct phone calls to 863-983-8101.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carl Williams at U.S. Army Corps of Engineers South Florida Operations Office located at 525 Ridgelawn Road, Clewiston, FL 33440.

**SUPPLEMENTARY INFORMATION:** Canaveral Lock near Port Canaveral will not be

impacted by these changes. It will continue to operate from 6 a.m. to 9:30 p.m. daily. A Notice to Navigation will also be issued on this subject. For more information on navigation notices concerning Canaveral Lock or the Okeechobee Waterway, please visit the following Web site:  
[www.saj.usace.army.mil](http://www.saj.usace.army.mil)

**Jerry T. Murphy,**

*Deputy Chief, Operations Division.*

[FR Doc. 2015-00399 Filed 1-13-15; 8:45 am]

**BILLING CODE 3710-58-P**

## DEPARTMENT OF EDUCATION

### **Applications for New Awards; Educational Technology, Media, and Materials for Individuals With Disabilities—Television Access**

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

#### **Overview Information**

Educational Technology, Media, and Materials for Individuals with Disabilities—Television Access Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.327C.

**DATES:** *Applications Available:* January 14, 2015.

*Deadline for Transmittal of*

*Applications:* March 16, 2015.

*Deadline for Intergovernmental Review:* May 14, 2015.

#### **Full Text of Announcement**

##### **I. Funding Opportunity Description**

*Purpose of Program:* The purposes of the Educational Technology, Media, and Materials for Individuals with Disabilities Program<sup>1</sup> are to improve results for children with disabilities by:

- (1) Promoting the development, demonstration, and use of technology;
- (2) supporting educational media activities designed to be of educational value in the classroom for students with disabilities;
- (3) providing support for captioning and video description that is appropriate for use in the classroom;
- and (4) providing accessible educational

materials to students with disabilities in a timely manner.

*Priority:* In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 674(c) and 681(d) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1474(c) and 1481(d))).

*Absolute Priority:* For FY 2015 and any subsequent year for which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

*Educational Technology, Media, and Materials for Individuals With Disabilities—Television Access*

#### **Background**

The Federal Communications Commission (FCC) is responsible for implementing and monitoring compliance with the captioning requirements of the Telecommunications Act of 1996 (Act). Consistent with the Act, the FCC requires most television programs to be captioned, but provides for certain exemptions to this requirement. The FCC also has limited requirements for video description. The FCC's video description requirements provide some access to television programs for individuals with blindness or low vision, but are not as widely applicable as the closed captioning requirements. Therefore, only a small number of television programs are actually broadcast with video description. The following Web sites provide more information on captioning and video description: [www.fcc.gov/cgb/consumerfacts/closedcaption.html](http://www.fcc.gov/cgb/consumerfacts/closedcaption.html) and [www.fcc.gov/encyclopedia/video-description](http://www.fcc.gov/encyclopedia/video-description).

Pursuant to the authority in IDEA Section 1464(c), the Department has made awards for television access since 1995 in order to provide video description and captioning under the Educational Technology, Media, and Materials for Individuals with Disabilities program. The following Web site contains abstracts of previously funded projects: <http://publicddb.tadnet.org/>. (Use the keyword search function with the term "video description.") Despite the efforts of the Department, not all television programs that are appropriate for use in the classroom setting for children with disabilities are being video described or captioned.

#### **Priority**

The purpose of this absolute priority for Television Access is to fund cooperative agreements that will improve the learning opportunities for children with disabilities by providing access to television programming through high-quality video description and captioning. This project will support access—through high-quality video description and captioning—to widely available television programs that are appropriate for use in the classroom setting and are not otherwise required to be captioned or described by the FCC.

#### **Application Requirements**

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority. The Department's Office of Special Education Programs (OSEP) encourages innovative approaches to meet these requirements:

(a) Demonstrate, in the narrative section of the application under "Significance of the Project," how the proposed project will address the need for access to educational television programming to support equitable opportunities in early learning programs, schools, and workplaces. To meet this requirement, the applicant must—

(1) Present applicable national, State, regional, or local data demonstrating the need for accessible educational television programs in schools and workplaces for children with disabilities, including children with disabilities who may be underserved; and

(2) Demonstrate knowledge of the benefits, services, or opportunities that are available through the use of educational television programming in schools and workplaces that are fully accessible to children with disabilities, including children with disabilities who may be underserved.

(b) Demonstrate, in the narrative section of the application under "Quality of Project Services," how the project will—

(1) Take into account the preferences of educators, students with disabilities, and the parents of these students in selecting the programming to be video described, or video described and captioned;

(2) Use criteria to select television programs of high educational value that are widely available and are appropriate for use in the classroom setting for children with disabilities at the

<sup>1</sup> This program was formerly called "Technology and Media Services for Individuals with Disabilities." The Department has changed the name to Educational Technology, Media, and Materials for Individuals with Disabilities Program and updated the purposes of the program to more clearly convey that the program includes accessible educational materials. The program's activities and statutory authorization (20 U.S.C. 1474) remain unchanged.

preschool, elementary, or secondary level;

(3) Determine the extent to which the programming selected for video description or video description and captioning is widely available;

(4) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, linguistic diversity, gender, age, or disability;

(5) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) The logic model on how the proposed project will achieve its intended outcomes;

(6) Use a conceptual framework to develop project plans and activities describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework; and

(7) Be based on current research and make use of evidence-based practices. To meet this requirement, the applicant must describe—

(i) The current research and evidence-based practices related to the benefits, services, or opportunities that are available through the use of educational television programming in schools and workplaces; and

(ii) The process the proposed project will use to incorporate current research and evidence-based practices to guide the development and delivery of its products and services.

(c) Demonstrate, in the narrative section of the application under “Adequacy of Project Resources,” how—

(1) The proposed key personnel, consultants, and contractors have the qualifications, experience, and commitment to carry out the proposed activities and achieve the project’s intended outcomes;

(2) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, linguistic diversity, gender, age, or disability, as appropriate;

(3) The applicant and key partners have adequate resources to carry out proposed project activities. To address this requirement, the applicant must describe—

(i) The willingness of the potential television program providers or program owners, as appropriate, to permit and

facilitate the video description or the video description and captioning of their programs;

(ii) Requirements and assurances that the programming that is made accessible under this project will continue to contain those video descriptions and captions after the programming is aired; and

(iii) How programming video described or captioned under this project would not otherwise be video described or captioned to meet the FCC’s requirements, or how this programming is specifically exempt from the FCC’s requirements;

(4) The proposed costs are reasonable in relation to the anticipated results and benefits. To address this requirement, the applicant must describe—

(i) The total number of program hours proposed to be made accessible through video description, or video description and captioning, under this project;

(ii) The cost per hour for video description and, if the applicant is proposing both video description and captioning, the cost per hour for video description and for captioning;

(iii) A plan, if any, to increase the anticipated shelf-life and distribution of educational programming described, or captioned and described, under this project; and

(iv) How the project will use emerging technology to lower the cost of video description.

(d) Demonstrate, in the narrative section of the application under “Quality of the Management Plan,” how—

(1) The proposed management plan will ensure that the project’s intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key personnel, consultants, and contractors will be sufficiently allocated to the project and how these allocations are appropriate and adequate to achieve the project’s intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will benefit from a diversity of perspectives, including, but not limited to, students and families, early intervention service providers, educators, researchers, and other OSEP-funded projects.

(e) In the narrative section of the application under “Quality of the

Evaluation Plan,” include an evaluation plan, as described in the following paragraphs. The evaluation plan must describe: measures of progress in implementation, including the extent to which the project’s products and services have reached its target population; and measures of intended outcomes or results of the project’s activities in order to assess the effectiveness of those activities.

In designing the evaluation plan, the project must—

(1) Revise, as needed, the logic model submitted in the grant application to provide for a more comprehensive measurement of implementation and outcomes and to reflect any changes or clarifications to the model discussed at the kick-off meeting;

(2) Revise, as needed, the evaluation plan submitted in the grant application so that it clearly—

(i) Specifies the measures and associated instruments or sources for data appropriate to the evaluation questions, suggests analytic strategies for those data, provides a timeline for conducting the evaluation, and includes staff assignments for completion of the plan; and

(ii) Can be used to assist the project director and the OSEP project officer to specify the performance measures to be addressed in the project’s annual performance report; and

(3) Dedicate sufficient funds in each budget year to cover the costs of carrying out the tasks described in paragraphs (e)(1) and (e)(2) of this priority and implementing the evaluation plan.

(f) In the narrative under “Required Project Assurances” or appendices as directed, the applicant must—

(1) Include, in Appendix A, a logic model that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project. A logic model communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project.

**Note:** The following Web sites provide more information on logic models: [www.researchutilization.org/matrix/logicmodel\\_resource3c.html](http://www.researchutilization.org/matrix/logicmodel_resource3c.html) and [www.tadnet.org/pages/589](http://www.tadnet.org/pages/589);

(2) Include, in Appendix A, a conceptual framework for the project;

(3) Include, in Appendix A, person-loading charts and timelines to illustrate the management plan described in the narrative;

(4) Include in the budget costs associated with attendance at the following:

(i) A one and one-half day kick-off meeting to be held in Washington, DC, after receipt of the award, and an annual planning meeting held in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

**Note:** Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A three-day project directors' conference in Washington, DC, during each year of the project period; and

(iii) One trip annually to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(5) Ensure that the project maintains a Web site that meets government or industry-recognized standards for accessibility.

**Waiver of Proposed Rulemaking:** Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

**Program Authority:** 20 U.S.C. 1474 and 1481.

**Applicable Regulations:** This application notice (also referred to as a notice inviting applications (NIA)) is being published before the Department adopts the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR part 200. We expect to publish interim final regulations that would adopt those requirements before December 26, 2014, and make those regulations effective on that date. Because grants awarded under this NIA will likely be made after the Department adopts the requirements in 2 CFR part 200, we list as applicable regulations both those that are currently effective and those that will be effective at the time the Department makes grants.

The current regulations follow: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485.

At the time we award grants under this NIA, the following regulations will apply: (a) EDGAR in 34 CFR parts 75,

77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

## II. Award Information

**Type of Award:** Cooperative agreements.

**Estimated Available Funds:** The Administration has requested \$28,047,000 for the Educational Technology, Media, and Materials for Individuals with Disabilities program for FY 2015, of which we intend to use an estimated \$2,000,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

**Estimated Range of Awards:** \$300,000–\$400,000.

**Estimated Average Size of Awards:** \$400,000.

**Maximum Award:** We will reject any application that proposes a budget exceeding \$400,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

**Estimated Number of Awards:** 5.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** Up to 60 months.

## III. Eligibility Information

1. **Eligible Applicants:** State educational agencies (SEAs); local educational agencies (LEAs), including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian tribes or

tribal organizations; and for-profit organizations.

2. **Cost Sharing or Matching:** This program does not require cost sharing or matching.

3. **Other General Requirements:**

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding under this program must involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

## IV. Application and Submission Information

1. **Address to Request Application Package:** You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: [www.ed.gov/fund/grant/apply/grantapps/index.html](http://www.ed.gov/fund/grant/apply/grantapps/index.html). To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1-877-433-7827. FAX: (703) 605-6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1-877-576-7734.

You can contact ED Pubs at its Web site, also: [www.EDPubs.gov](http://www.EDPubs.gov) or at its email address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.327C.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. **Content and Form of Application Submission:** Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

**Page Limit:** The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to no more than 50 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.

- Use a font that is 12 point or larger.
- Use one of the following fonts:

Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirements do not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirement does apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit; or if you apply other standards and exceed the equivalent of the page limit.

### 3. Submission Dates and Times:

*Applications Available:* January 14, 2015.

*Deadline for Transmittal of Applications:* March 16, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

*Deadline for Intergovernmental Review:* May 14, 2015.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any

changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: <http://www2.ed.gov/fund/grant/apply/sam-faqs.html>.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: [www.grants.gov/web/grants/register.html](http://www.grants.gov/web/grants/register.html).

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

### a. Electronic Submission of Applications

Applications for grants under the Television Access competition, CFDA number 84.327C, must be submitted electronically using the Governmentwide Grants.gov Apply site at [www.Grants.gov](http://www.Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the Television Access competition at [www.Grants.gov](http://www.Grants.gov). You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your

search (e.g., search for 84.327, not 84.327C).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at [www.G5.gov](http://www.G5.gov).

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date. *Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your

application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Jo Ann McCann, U.S. Department of Education, 400 Maryland Avenue SW., Room 4076, Potomac Center Plaza (PCP), Washington, DC 20202-2600. FAX: (202) 245-7617.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

#### *b. Submission of Paper Applications by Mail*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the



Department at the following address:  
U.S. Department of Education,  
Application Control Center, Attention:  
(CFDA Number 84.327C), LBJ Basement  
Level 1, 400 Maryland Avenue SW.,  
Washington, DC 20202-4260.

You must show proof of mailing  
consisting of one of the following:

(1) A legibly dated U.S. Postal Service  
postmark.

(2) A legible mail receipt with the  
date of mailing stamped by the U.S.  
Postal Service.

(3) A dated shipping label, invoice, or  
receipt from a commercial carrier.

(4) Any other proof of mailing  
acceptable to the Secretary of the U.S.  
Department of Education.

If you mail your application through  
the U.S. Postal Service, we do not  
accept either of the following as proof  
of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by  
the U.S. Postal Service.

If your application is postmarked after  
the application deadline date, we will  
not consider your application.

**Note:** The U.S. Postal Service does not  
uniformly provide a dated postmark. Before  
relying on this method, you should check  
with your local post office.

#### *c. Submission of Paper Applications by Hand Delivery*

If you qualify for an exception to the  
electronic submission requirement, you  
(or a courier service) may deliver your  
paper application to the Department by  
hand. You must deliver the original and  
two copies of your application by hand,  
on or before the application deadline  
date, to the Department at the following  
address: U.S. Department of Education,  
Application Control Center, Attention:  
(CFDA Number 84.327C), 550 12th  
Street SW., Room 7039, Potomac Center  
Plaza, Washington, DC 20202-4260.

The Application Control Center  
accepts hand deliveries daily between  
8:00 a.m. and 4:30:00 p.m., Washington,  
DC time, except Saturdays, Sundays,  
and Federal holidays.

**Note for Mail or Hand Delivery of Paper  
Applications:** If you mail or hand deliver  
your application to the Department—

(1) You must indicate on the envelope  
and—if not provided by the Department—in  
Item 11 of the SF 424 the CFDA number,  
including suffix letter, if any, of the  
competition under which you are submitting  
your application; and

(2) The Application Control Center will  
mail to you a notification of receipt of your  
grant application. If you do not receive this  
notification within 15 business days from the  
application deadline date, you should call  
the U.S. Department of Education  
Application Control Center at (202) 245-  
6288.

#### **V. Application Review Information**

1. *Selection Criteria:* The selection  
criteria for this competition are from 34  
CFR 75.210 and are listed in the  
application package.

2. *Review and Selection Process:* We  
remind potential applicants that in  
reviewing applications in any  
discretionary grant competition, the  
Secretary may consider, under 34 CFR  
75.217(d)(3), the past performance of the  
applicant in carrying out a previous  
award, such as the applicant's use of  
funds, achievement of project  
objectives, and compliance with grant  
conditions. The Secretary may also  
consider whether the applicant failed to  
submit a timely performance report or  
submitted a report of unacceptable  
quality.

In addition, in making a competitive  
grant award, the Secretary also requires  
various assurances including those  
applicable to Federal civil rights laws  
that prohibit discrimination in programs  
or activities receiving Federal financial  
assistance from the Department of  
Education (34 CFR 100.4, 104.5, 106.4,  
108.8, and 110.23).

3. *Additional Review and Selection  
Process Factors:* In the past, the  
Department has had difficulty finding  
peer reviewers for certain competitions  
because so many individuals who are  
eligible to serve as peer reviewers have  
conflicts of interest. The standing panel  
requirements under section 682(b) of  
IDEA also have placed additional  
constraints on the availability of  
reviewers. Therefore, the Department  
has determined that, for some  
discretionary grant competitions,  
applications may be separated into two  
or more groups and ranked and selected  
for funding within specific groups. This  
procedure will make it easier for the  
Department to find peer reviewers by  
ensuring that greater numbers of  
individuals who are eligible to serve as  
reviewers for any particular group of  
applicants will not have conflicts of  
interest. It also will increase the quality,  
independence, and fairness of the  
review process, while permitting panel  
members to review applications under  
discretionary grant competitions for  
which they also have submitted  
applications. However, if the  
Department decides to select an equal  
number of applications in each group  
for funding, this may result in different  
cut-off points for fundable applications  
in each group.

4. *Special Conditions:* Under current  
34 CFR 74.14 and 80.12 and, when  
grants are made under this NIA, 2 CFR  
3474.10, the Secretary may impose  
special conditions and, in appropriate

circumstances, high-risk conditions on a  
grant if the applicant or grantee is not  
financially stable; has a history of  
unsatisfactory performance; has a  
financial or other management system  
that does not meet the standards in 34  
CFR parts 74 or 80, as applicable or,  
when grants are awarded, the standards  
in 2 CFR part 200, subpart D; has not  
fulfilled the conditions of a prior grant;  
or is otherwise not responsible.

#### **VI. Award Administration Information**

1. *Award Notices:* If your application  
is successful, we notify your U.S.  
Representative and U.S. Senators and  
send you a Grant Award Notification  
(GAN); or we may send you an email  
containing a link to access an electronic  
version of your GAN. We may notify  
you informally, also.

If your application is not evaluated or  
not selected for funding, we notify you.

2. *Administrative and National Policy  
Requirements:* We identify  
administrative and national policy  
requirements in the application package  
and reference these and other  
requirements in the *Applicable  
Regulations* section of this notice.

We reference the regulations outlining  
the terms and conditions of an award in  
the *Applicable Regulations* section of  
this notice and include these and other  
specific conditions in the GAN. The  
GAN also incorporates your approved  
application as part of your binding  
commitments under the grant.

3. *Reporting:* (a) If you apply for a  
grant under this competition, you must  
ensure that you have in place the  
necessary processes and systems to  
comply with the reporting requirements  
in 2 CFR part 170 should you receive  
funding under the competition. This  
does not apply if you have an exception  
under 2 CFR 170.110(b).

(b) At the end of your project period,  
you must submit a final performance  
report, including financial information,  
as directed by the Secretary. If you  
receive a multi-year award, you must  
submit an annual performance report  
that provides the most current  
performance and financial expenditure  
information as directed by the Secretary  
under 34 CFR 75.118. The Secretary  
may also require more frequent  
performance reports under 34 CFR  
75.720(c). For specific requirements on  
reporting, please go to [www.ed.gov/  
fund/grant/apply/appforms/  
appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

4. *Performance Measures:* Under the  
Government Performance and Results  
Act of 1993 (GPRA), the Department has  
established a set of performance  
measures, including long-term  
measures, that are designed to yield

information on various aspects of the effectiveness and quality of the Educational Technology, Media, and Materials for Individuals with Disabilities program. These measures are included in the application package and focus on the extent to which projects are of high quality, are relevant to improving outcomes of children with disabilities, contribute to improving outcomes for children with disabilities, and generate evidence of validity and availability to appropriate populations. Projects funded under this competition are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual performance reports and additional performance data to the Department (34 CFR 75.590 and 75.591).

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the

grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

#### VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Jo Ann McCann, U.S. Department of Education, 400 Maryland Avenue SW., Room 4076, PCP, Washington, DC 20202-2600. Telephone: (202) 245-7434.

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

#### VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5037, PCP, Washington, DC 20202-2550. Telephone: (202) 245-7363. If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the

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

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

Dated: January 8, 2015.

**Michael K. Yudin,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2015-00406 Filed 1-13-15; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, To Vacate Prior Authority and, To Approve Change in Control of Authority During September 2014

	FE Docket Nos.
POWER CITY PARTNERS, L.P .....	14-113-NG
TWIN EAGLE RESOURCE MANAGEMENT, LLC .....	14-102-NG
CARIB ENERGY (USA) LLC .....	11-141-LNG
CAMERON LNG, LLC .....	11-162-LNG
NUTRECO CANADA INC .....	14-111-NG
IBERDROLA ENERGY SERVICES, LLC .....	14-104-NG
HESS ENERGY TRADING COMPANY, LLC .....	14-109-NG
AKITON SA LLC .....	14-114-LNG
ENERGY PLUS GAS LLC .....	14-116-NG
COMISION FEDERAL DE ELECTRICIDAD .....	14-117-NG
TRAFIGURA AG .....	14-118-NG
FREEPORT LNG EXPANSION, L.P.; FLNG LIQUEFACTION, LLC; FLNG LIQUEFACTION 2, LLC; FLNG LIQUEFACTION 3, LLC .....	14-005-CIC
BTG PACTUAL COMMODITIES (US LLC) .....	14-105-NG
SEMCO ENERGY, INC. d/b/a SEMCO ENERGY GAS COMPANY .....	14-121-NG
SEQUENT ENERGY MANAGEMENT, L.P .....	14-122-NG
MEXICANA DE COBRE, S.A. DE C.V .....	14-124-NG
REGENT RESOURCES LTD .....	14-125-NG

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of orders.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy gives notice that during September 2014, it issued orders granting authority to

import and export natural gas, to import and export liquefied natural gas, to vacate prior authority, and to approve change in control of authority. These orders are summarized in the attached appendix and may be found on the FE Web site at <http://www.fossil.energy.gov/programs/>

[gasregulation/authorizations/Orders-2014.html](http://www.fossil.energy.gov/programs/gasregulation/authorizations/Orders-2014.html).

They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E-033, Forrestal Building, 1000 Independence Avenue SW.,

Washington, DC 20585, (202) 586-9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on January 5, 2015.  
**John A. Anderson,**  
*Director, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.*

**APPENDIX—DOE/FE ORDERS  
GRANTING IMPORT/EXPORT  
AUTHORIZATIONS**

3485 .....	09/04/14	14-113-NG	Power City Partners, L.P .....	Order granting blanket authority to import natural gas from Canada.
3486 .....	09/08/14	14-102-NG	Twin Eagle Resource Management, LLC.	Order granting blanket authority to import/export natural gas from/to Canada and to export natural gas to Mexico and vacating prior authority granted in Order 3322.
3487 .....	09/10/14	11-141-LNG	Carib Energy (USA) LLC .....	Final Order granting long-term multi-contract authority to export LNG in ISO containers by vessel to Non-Free Trade Agreement Nations in Central America, South America, or the Caribbean.
3391-A ..	09/10/14	11-162-LNG	Cameron LNG, LLC .....	Final Opinion and Order granting long-term multi-contract authorization to export LNG by vessel from the Cameron LNG Terminal in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations.
3488 .....	09/25/14	14-111-NG	Nutreco Canada Inc .....	Order granting blanket authority to import/export natural gas from/to Canada.
3489 .....	09/18/14	14-104-NG	Iberdrola Energy Services, LLC	Order granting blanket authority to import/export natural gas from/to Mexico.
3490 .....	09/18/14	14-109-NG	Hess Energy Trading Company, LLC.	Order granting blanket authority to import/export natural gas from/to Canada.
3491 .....	09/18/14	14-114-LNG	Akiton SA LLC .....	Order granting blanket authority to import/export LNG from/to Canada/Mexico by truck.
3492 .....	09/18/14	14-116-NG	Energy Plus Gas LLC .....	Order granting blanket authority to import/export natural gas from/to Canada.
3493 .....	09/18/14	14-117-NG	Comision Federal de Electricidad.	Order granting blanket authority to import/export natural gas from/to Mexico.
3494 .....	09/18/14	14-118-NG	Trafigura AG .....	Order granting blanket authority to import/export natural gas from/to Canada/Mexico.
3495 .....	09/23/14	14-005-CIC	Freeport LNG Expansion, L.P.; FLNG Liquefaction, LLC; FLNG Liquefaction 2 LLC; FLNG Liquefaction 3 LLC.	Order approving change in control of export authorizations.
3496 .....	09/25/14	14-105-NG	BTG Pactual Commodities (US) LLC.	Order granting blanket authority to import/export natural gas from/to Canada/Mexico.
3497 .....	09/25/14	14-121-NG	SEMCO Energy, Inc. d/b/a SEMCO Energy Gas Company.	Order granting blanket authority to import/export natural gas from/to Canada.
3498 .....	09/25/14	14-122-NG	Sequent Energy Management, L.P.	Order granting blanket authority to import/export natural gas from/to Mexico.
3499 .....	09/25/14	14-124-NG	Mexicana de Cobre, S.A. de C.V.	Order granting blanket authorization to export natural gas to Mexico.
3500 .....	09/25/14	14-125-NG	Regent Resources Ltd .....	Order granting blanket authorization to import natural gas from Canada.

[FR Doc. 2015-00513 Filed 1-13-15; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory  
Commission**

**Combined Notice of Filings #1**

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER15-556-001.

*Applicants:* Direct Energy Small Business, LLC.

*Description:* Tariff Amendment per 35.17(b): Supplemental Filing to Revise 232 to be effective 1/7/2015.

*Filed Date:* 1/7/15.

*Accession Number:* 20150107-5143.

*Comments Due:* 5 p.m. ET 1/28/15.

*Docket Numbers:* ER15-558-001.

*Applicants:* Direct Energy Business Marketing, LLC.

*Description:* Tariff Amendment per 35.17(b): Supplemental Filing to Revise 274 to be effective 1/7/2015.

*Filed Date:* 1/7/15.

*Accession Number:* 20150107-5178.

*Comments Due:* 5 p.m. ET 1/28/15.

*Docket Numbers:* ER15-825-000.

*Applicants:* AEP Texas North Company.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): TNC-RE Roserock Interconnection Agreement to be effective 12/15/2014 under.

*Filed Date:* 1/7/15.

*Accession Number:* 20150107-5055.

*Comments Due:* 5 p.m. ET 1/28/15.

*Docket Numbers:* ER15-826-000.

*Applicants:* New York State Electric & Gas Corporation.

*Description:* Notice of Cancellation of Interconnection Agreement between New York Electric & Gas Corporation and Windfarm Prattsburgh, LLC.

*Filed Date:* 1/6/15.

*Accession Number:* 20150106-5231.

*Comments Due:* 5 p.m. ET 1/27/15.

*Docket Numbers:* ER15-827-000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* Tariff Withdrawal per 35.15: Notice of Termination of Collinsville LGIA, TO Service Agreement No. 137 to be effective 1/21/2015.

*Filed Date:* 1/7/15.

*Accession Number:* 20150107–5118.

*Comments Due:* 5 p.m. ET 1/28/15.

*Docket Numbers:* ER15–828–000.

*Applicants:* Louisville Gas and Electric Company.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Modifications to Att O Formula Rate to be effective 2/1/2015.

*Filed Date:* 1/7/15.

*Accession Number:* 20150107–5128.

*Comments Due:* 5 p.m. ET 1/28/15.

*Docket Numbers:* ER15–829–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): 2472 SPS/PSCO External Generation Agreement Cancellation to be effective 8/1/2014.

*Filed Date:* 1/7/15.

*Accession Number:* 20150107–5223.

*Comments Due:* 5 p.m. ET 1/28/15.

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: January 7, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–00384 Filed 1–13–15; 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 exempt wholesale generator filings:

*Docket Numbers:* EG15–36–000.

*Applicants:* Old Mill Solar, LLC.

*Description:* Self-Certification of EWG of Old Mill Solar, LLC.

*Filed Date:* 1/5/15.

*Accession Number:* 20150105–5185.

*Comments Due:* 5 p.m. ET 1/26/15.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER14–1095–001.

*Applicants:* Southern California Edison Company.

*Description:* Compliance filing per 35: Compliance Filing CalWind Revised GIA to be effective 12/15/2013.

*Filed Date:* 1/6/15.

*Accession Number:* 20150106–5096.

*Comments Due:* 5 p.m. ET 1/27/15.

*Docket Numbers:* ER14–1969–004.

*Applicants:* Public Service Company of Colorado.

*Description:* Compliance filing per 35: 2015–1–5\_PSCo Wind Int Comp Filing\_ER14–1969 to be effective 1/1/2015.

*Filed Date:* 1/5/15.

*Accession Number:* 20150105–5147.

*Comments Due:* 5 p.m. ET 1/26/15.

*Docket Numbers:* ER15–822–000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Service Agmt for Wholesale Distribution Service with Morgan Lancaster I, LLC to be effective 3/8/2015.

*Filed Date:* 1/6/15.

*Accession Number:* 20150106–5002.

*Comments Due:* 5 p.m. ET 1/27/15.

*Docket Numbers:* ER15–823–000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Service Agmts Wholesale Distribution Service—Summer Solar E2, F2, G2, H2 to be effective 3/8/2015.

*Filed Date:* 1/6/15.

*Accession Number:* 20150106–5003.

*Comments Due:* 5 p.m. ET 1/27/15.

*Docket Numbers:* ER15–824–000.

*Applicants:* Midcontinent

Independent System Operator, Inc.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–06\_SA 2694 ITC-Oregon Clean Energy Amended Y1–069 to be effective 1/7/2015.

*Filed Date:* 1/6/15.

*Accession Number:* 20150106–5047.

*Comments Due:* 5 p.m. ET 1/27/15.

Take notice that the Commission received the following public utility holding company filings:

*Docket Numbers:* PH15–6–000.

*Applicants:* Sempra Energy.

*Description:* Sempra Energy submits FERC 65–B Waiver Notice of Change in Facts.

*Filed Date:* 1/6/15.

*Accession Number:* 20150106–5118.

*Comments Due:* 5 p.m. ET 1/27/15.

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: January 6, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–00383 Filed 1–13–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* PR15–12–000.

*Applicants:* NET Mexico Pipeline Partners, LLC.

*Description:* Tariff filing per 284.123(b)(1).: Petition for NGPA Section 311 Rate Approval to be effective 12/31/2014 TOFC: 990.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231–5138.

*Comments Due:* 5 p.m. ET 1/21/15.

284.123(g) Protests Due:

*Docket Numbers:* PR15–13–000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* Tariff filing per 284.123(b)(1).: Amendment to Statement of Operating Conditions to be effective 1/1/2015; TOFC: 980.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231–5226.

*Comments Due:* 5 p.m. ET 1/21/15.

284.123(g) Protests Due:

*Docket Numbers:* RP15–299–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* Measurement Variance/  
Fuel Use Factors of Iroquois Gas  
Transmission System, L.P.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5077.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-300-000.

*Applicants:* Rockies Express Pipeline  
LLC.

*Description:* § 4(d) rate filing per  
154.204: Neg Rate 2014-12-31 Antero to  
be effective 12/30/2014.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5145.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-301-000.

*Applicants:* Equitrans, L.P.

*Description:* § 4(d) rate filing per  
154.204: Interruptible Balancing Service  
to be effective 12/31/9998.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5146.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-302-000.

*Applicants:* Guardian Pipeline, L.L.C.

*Description:* § 4(d) rate filing per  
154.204: Non-Conforming FT-1 &  
Negotiated Rate PAL Agreements—  
Wisconsin Electric Power to be effective  
2/2/2015.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5148.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-303-000.

*Applicants:* Guardian Pipeline, L.L.C.

*Description:* § 4(d) rate filing per  
154.204: Non-Conforming Agreement  
with Wisconsin Electric Power  
Company to be effective 2/2/2015.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5152.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-304-000.

*Applicants:* Gulf South Pipeline  
Company, LP.

*Description:* § 4(d) rate filing per  
154.204: Cap Rel Neg Rate Agmt (QEP  
36601/37657 to Trans LA 43686, 43687,  
43688) to be effective 1/1/2015.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5164.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-305-000.

*Applicants:* Gulf South Pipeline  
Company, LP.

*Description:* § 4(d) rate filing per  
154.204: Cap Rel Neg Rate Agmt (Mobile  
42488 to Exelon 43695) to be effective  
1/1/2015.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5165.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-306-000.

*Applicants:* Cheyenne Plains Gas  
Pipeline Company, L.

*Description:* § 4(d) rate filing per  
154.204: Negotiated Rate TSA (Mieco) to  
be effective 2/1/2015.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5171.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-307-000.

*Applicants:* Cheyenne Plains Gas  
Pipeline Company, L.

*Description:* § 4(d) rate filing per  
154.204: Non-Conforming Agreement  
(Grasslands) to be effective 2/1/2015.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5200.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-308-000.

*Applicants:* Rockies Express Pipeline  
LLC.

*Description:* § 4(d) rate filing per  
154.204: Neg Rate 2014-12-31 Encana  
to be effective 1/1/2015.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5227.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-309-000.

*Applicants:* Northern Natural Gas  
Company.

*Description:* § 4(d) rate filing per  
154.204: 20141231 Negotiated Rate to be  
effective 1/1/2015.

*Filed Date:* 12/31/14.

*Accession Number:* 20141231-5245.

*Comments Due:* 5 p.m. ET 1/12/15.

*Docket Numbers:* RP15-310-000.

*Applicants:* ANR Pipeline Company.

*Description:* § 4(d) rate filing per  
154.601: Integrys Energy Neg Rate  
Agmts to be effective 1/1/2015.

*Filed Date:* 1/2/15.

*Accession Number:* 20150102-5192.

*Comments Due:* 5 p.m. ET 1/14/15.

*Docket Numbers:* RP15-311-000.

*Applicants:* Gulf South Pipeline  
Company, LP.

*Description:* § 4(d) rate filing per  
154.204: Neg Rate Agmts Filing (Exelon  
43696, 47311) to be effective 1/1/2015.

*Filed Date:* 1/5/15.

*Accession Number:* 20150105-5049.

*Comments Due:* 5 p.m. ET 1/20/15.

*Docket Numbers:* RP15-312-000.

*Applicants:* Northwest Pipeline LLC.  
*Description:* § 4(d) rate filing per  
154.204: Non-Conforming Contract  
100056 to be effective 2/5/2015.

*Filed Date:* 1/5/15.

*Accession Number:* 20150105-5136.

*Comments Due:* 5 p.m. ET 1/20/15.

*Docket Numbers:* RP15-313-000.

*Applicants:* East Tennessee Natural  
Gas, LLC.

*Description:* § 4(d) rate filing per  
154.204: Neg Rate for NJRES 410533 to  
be effective 1/6/2015.

*Filed Date:* 1/6/15.

*Accession Number:* 20150106-5035.

*Comments Due:* 5 p.m. ET 1/20/15.

*Docket Numbers:* RP15-314-000.

*Applicants:* Gulf South Pipeline  
Company, LP.

*Description:* § 4(d) rate filing per  
154.204: Add'l Non-conforming Agmts  
related to Petal Merger to be effective 1/  
1/2015.

*Filed Date:* 1/6/15.

*Accession Number:* 20150106-5037.

*Comments Due:* 5 p.m. ET 1/20/15.

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 date(s). 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: January 7, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-00385 Filed 1-13-15; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0850; FRL-9920-64]

### Chlorpyrifos Registration Review; Revised Human Health Risk Assessment; Notice of Availability

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the  
availability of EPA's revised human  
health risk assessment for the  
registration review of chlorpyrifos and  
opens a public comment period on this  
document. A preliminary human health  
risk assessment was completed and  
released for public comment in July  
2011 (76 FR 39399) and is available in  
the chlorpyrifos registration review  
docket. Registration review is EPA's  
periodic review of pesticide  
registrations to ensure that each  
pesticide continues to satisfy the  
statutory standard for registration, that  
is, the pesticide can perform its  
intended function without unreasonable  
adverse effects on human health or the  
environment. As part of the registration  
review process, the Agency has

completed a comprehensive revised human health risk assessment for all chlorpyrifos uses. A Guide to Commenters document has been placed in the docket along with the revised human health assessment. This document poses questions for the public to comment on. Such comments and input could address, among other things, the Agency's risk assessment methodologies and assumptions, as applied to this revised risk assessment as well as submitting suggestions for mitigating any risks identified in the revised risk assessment. The Agency will consider all comments received during the public comment period and the responses to the questions and any other information that is provided will help in developing a proposed registration review decision on chlorpyrifos. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

**DATES:** Comments must be received on or before March 16, 2015.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2008-0850, 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:** For pesticide specific information contact: Joel Wolf, Chemical Review Manager, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 347-0228; email address: [wolf.joel@epa.gov](mailto:wolf.joel@epa.gov).

For general questions on the registration review program, contact: Kevin Costello, Pesticide Re-Evaluation

Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-5026; email address: [costello.kevin@epa.gov](mailto:costello.kevin@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this action apply to me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager listed under **FOR FURTHER INFORMATION CONTACT**.

###### *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](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

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 pesticide discussed in this document, compared to the general population.

##### **II. Authority**

EPA is conducting its registration review of chlorpyrifos pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

##### **III. Registration Reviews**

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registration for chlorpyrifos to ensure that it continues to satisfy the FIFRA standard for registration—that is, that chlorpyrifos can still be used without unreasonable adverse effects on human health or the environment. Chlorpyrifos is an organophosphate insecticide, acaricide, and miticide used to control a variety of insects on food and feed crops, golf course, turf, greenhouses, nonstructural wood treatments (such as utility poles and fence posts) and bait stations, and as an adult mosquitocide. EPA has completed a comprehensive revised human health risk assessment.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's revised human health risk assessment for chlorpyrifos. Such comments and input could address, among other things, the Agency's risk assessment methodologies and assumptions, as applied to this revised risk assessment as well as submitting suggestions for mitigating any risks identified in the revised risk assessment. A Guide to Commenters document has been placed in the docket along with the revised human health assessment. This document poses questions for the public to respond to. The Agency will consider all comments

received during the public comment period and the responses to the questions and any other information that is provided will help in developing a proposed registration review decision on chlorpyrifos.

1. *Other related information.*

Additional information on chlorpyrifos is available on the Pesticide Registration Review Status Web page for this pesticide, [http://www.epa.gov/oppsrrd1/registration\\_review/chlorpyrifos/index.htm](http://www.epa.gov/oppsrrd1/registration_review/chlorpyrifos/index.htm).

Information on the Agency's registration review program and its implementing regulation is available at [http://www.epa.gov/oppsrrd1/registration\\_review](http://www.epa.gov/oppsrrd1/registration_review).

2. *Information submission*

*requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

- Submitters must clearly identify the source of any submitted data or information.

- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: January 5, 2015.

**Richard P. Keigwin, Jr.,**

Director, Pesticide Re-Evaluation Division,  
Office of Pesticide Programs.

[FR Doc. 2015-00484 Filed 1-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2014-0011; FRL-9921-17]

### Pesticide Product Registration; Receipt of Applications for New Uses

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

**DATES:** Comments must be received on or before February 13, 2015.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number and the file symbol or registration number 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:

Jennifer McLain, Antimicrobials Division (AD) (7510P), main telephone number: (703) 305-7090; email address: [ADFRNotices@epa.gov](mailto:ADFRNotices@epa.gov); Susan Lewis, Registration Division (RD) (7505P), main telephone number: (703) 305-7090; email address: [RDNotices@epa.gov](mailto:RDNotices@epa.gov); Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7510P), main telephone number: (703) 305-7090; email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@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 application 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).

###### 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](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

##### II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

*EPA Registration Numbers:* 100-739; 100-1262. *Docket ID number:* EPA-HQ-



OPP-2014-0373. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 8300, Greensboro, NC 27419. *Active ingredient:* Difenconazole. *Product type:* Fungicide. *Proposed Use:* Pea and bean, dried shelled, except soybean, subgroup 6C; and bushberry, subgroup 13-07B. *Contact:* RD.

*EPA Registration Numbers:* 100-739, 100-1262, 100-1313, 100-1317. *Docket ID number:* EPA-HQ-OPP-2014-0470. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 8300, Greensboro, NC 27419. *Active ingredient:* Difenconazole. *Product type:* Fungicide. *Proposed Use:* Ginseng; artichoke; fruit, stone, group 12-12; and nut, tree, group 14-12. *Contact:* RD.

*EPA Registration Numbers:* 100-1131, 100-1140, 100-1150. *Docket ID number:* EPA-HQ-OPP-2014-0303. *Applicant:* Syngenta Crop Protection, LLC, PO Box 18300, Greensboro, NC 27419. *Active ingredient:* Mesotrione (2-[4-(methylsulfonyl)-2-notrobenzoyl]-1,3-cyclohexadione). *Product type:* Herbicide. *Proposed Use:* Technical and end-use products intended for use in or on citrus fruit (orange); pome fruit (apple); stone fruit (nectarine, peach, plum); and tree nuts (almond, common walnut, pistachio). *Contact:* RD.

*EPA Registration Number:* 100-1312. *Docket ID number:* EPA-HQ-OPP-2014-0373. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 8300, Greensboro, NC 27419. *Active ingredient:* Difenconazole/Propiconazole. *Product type:* Fungicide. *Proposed Use:* Pea and bean, dried shelled, except soybean, subgroup 6C; and bushberry, subgroup 13-07B. *Contact:* RD.

*EPA Registration Number:* 100-1313. *Docket ID number:* EPA-HQ-OPP-2014-0373. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 8300, Greensboro, NC 27419. *Active ingredient:* Difenconazole/Azoxystrobin. *Product type:* Fungicide. *Proposed Use:* Pea and bean, dried shelled, except soybean, subgroup 6C; and bushberry, subgroup 13-07B. *Contact:* RD.

*EPA Registration Number:* 100-1317. *Docket ID number:* EPA-HQ-OPP-2014-0373. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 8300, Greensboro, NC 27419. *Active ingredient:* Difenconazole/Cyprodonil. *Product type:* Fungicide. *Proposed Use:* Pea and bean, dried shelled, except soybean, subgroup 6C; and bushberry, subgroup 13-07B. *Contact:* RD.

*EPA Registration Numbers:* 100-1418, 100-1420. *Docket ID number:* EPA-HQ-OPP-2014-0890. *Applicant:* Syngenta Crop Protection LLC, P.O. Box 18300, Greensboro, NC 27419. *Active*

*ingredient:* Cyantraniliprole. *Product type:* Insecticide. *Proposed Use:* Oilseed crop group 20 (seed treatment), corn (field, sweet, pop) (seed treatment). *Contact:* RD.

*EPA File Symbol:* 100-RLEO. *Docket ID number:* EPA-HQ-OPP-2014-0149. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Difenconazole/Fludioxonil. *Product type:* Fungicide. *Proposed Use:* Fruit, pome, group 11-10, post-harvest application. *Contact:* RD.

*EPA Registration Numbers:* 279-3125, 279-3126, 279-3426. *Docket ID number:* EPA-HQ-OPP-2014-0889. *Applicant:* FMC Corporation, 1735 Market Street, Philadelphia, PA 19103. *Active ingredient:* Zeta-cypermethrin. *Product type:* Insecticide. *Proposed Use:* Corn forage and corn stover. *Contact:* RD.

*EPA Registration Numbers:* 7969-275, 7969-276. *Docket ID number:* EPA-HQ-OPP-2014-0640. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709-3528. *Active ingredient:* Saflufenacil. *Product type:* Herbicide. *Proposed Use:* Pomegranate. *Contact:* RD.

*EPA Registration Number:* 10163-277. *Docket ID number:* EPA-HQ-OPP-2014-0803. *Applicant:* Gowan Company, P.O. Box 5569, Yuma, AZ, 85366-5569. *Active ingredient:* Hexythiazox. *Product type:* Insecticide. *Proposed Use:* Wheat. *Contact:* RD.

*EPA Registration Numbers:* 33980-3, 72139-4. *Docket ID number:* EPA-HQ-OPP-2014-0739. *Applicant:* Shikoku Chemicals Corporation, 122 C Street NW., Suite 505, Washington, DC 20001. *Active ingredient:* Sodium Dichloro-s-Triazinetrione Dihydrate. *Product type:* Antimicrobial. *Proposed Use:* Ballast water treatment. *Contact:* AD.

*EPA Registration Number:* 43813-32. *Docket ID number:* EPA-HQ-OPP-2014-0590. *Applicant:* Janssen Pharmaceutica NV, 1125 Trenton-Harbourton Rd, Titusville, NJ 08560. *Active ingredient:* Pyrimethanil. *Product type:* Fungicide. *Proposed Use:* Crop group conversion for pome fruit group 11-10, orange subgroup 10-10A, lemon subgroup 10-10B, grapefruit subgroup 10-10C, and stone fruit group 12-12. *Contact:* RD.

*EPA Registration Number/File Symbol:* 67690-6, 67690-TG. *Docket ID number:* EPA-HQ-OPP-2014-0913. *Applicant:* SePRO Corporation, 11550 North Meridian Street Suite 600, Carmel, Indiana 46032-4565. *Active ingredient:* Fluridone. *Product type:* Herbicide. *Proposed Use:* Cotton. *Contact:* RD.

*EPA File Symbols:* 67727-T, 67727-L, 67727-A. *Docket ID number:* EPA-HQ-OPP-2014-0885. *Applicant:* D-I-1-4, Inc., a Division of 1,4 Group, Inc., P.O. Box 860, Meridian, ID 83680. *Active ingredient:* 1-Octanol. *Product type:* Plant growth regulator (sprout inhibitor). *Proposed Use:* Indoor use on root and tuber crops, bulb crops, and ornamental flowering bulbs. *Contact:* BPPD.

*EPA Registration Numbers:* 70506-174, 70506-175, 70506-176, 70506-191. *Docket ID number:* EPA-HQ-OPP-2014-0613. *Applicant:* United Phosphorus, Inc., 630 Freedom Business Center Suite 402, King of Prussia, PA 19406. *Active ingredient:* Endothall. *Product type:* Herbicide. *Proposed Use:* Remove livestock watering restrictions for aquatic use. *Contact:* RD.

*EPA File Symbol:* 73049-LNN. *Docket ID number:* EPA-HQ-OPP-2014-0898. *Applicant:* Valent BioSciences Corporation, 870 Technology Way, Libertyville, IL 60048. *Active ingredient:* Methyl Salicylate. *Product type:* Plant growth regulator (increase plant defense to pathogens). *Proposed Use:* Pre-flowering on tomatoes and peppers. *Contact:* BPPD.

*EPA Registration Numbers:* 81880-2, 81880-15, 81880-18. *Docket ID number:* EPA-HQ-OPP-2014-0574. *Applicant:* Canyon Group, c/o Gowan Company, P.O. Box 5563, Yuma, AZ 85366-5569. *Active ingredient:* Halosulfuron-methyl. *Product type:* Herbicide. *Proposed Use:* Pome fruit group 11-10; and small fruit vine climbing subgroup 13-07F. *Contact:* RD.

*EPA File Symbol:* 85797-R. *Docket ID number:* EPA-HQ-OPP-2014-0880. *Applicant:* TDA Research, Inc. 12345 W. 52nd Avenue, Wheat Ridge, CO 80033. *Active ingredient:* Sodium chlorite, Sodium bromide. *Product type:* Antimicrobial. *Proposed Use:* A Handheld Electrochemical Decon Apparatus Used To Disinfect Hard Non-Porous Surfaces. *Contact:* AD.

*EPA File Symbol:* 89994-R. *Docket ID number:* EPA-HQ-OPP-2014-0876. *Applicant:* GE Healthcare Bio-Sciences Corp, 9900 Innovation Drive, RP-2131, Wauwatosa, WI 53226. *Active ingredient:* Sodium Lauryl Sulfate. *Product type:* Antimicrobial. *Proposed Use:* Impregnation into cellulose cards to prevent microorganism growth. *Contact:* AD.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: January 2, 2015.

**Daniel J. Rosenblatt,**  
Director, Registration Division, Office of  
Pesticide Programs.

[FR Doc. 2015-00502 Filed 1-13-15; 8:45 am]

**BILLING CODE 6560-50-P**



**ENVIRONMENTAL PROTECTION AGENCY****[EPA-HQ-OPPT-2013-0677; FRL-9920-91]****Receipt of Test Data Under the Toxic Substances Control Act****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA is announcing its receipt of test data submitted pursuant to test rules issued by EPA under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which test data have been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the test data received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Kathy Calvo, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-8089; email address: [calvo.kathy@epa.gov](mailto:calvo.kathy@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Chemical Substances and/or Mixtures**

Information about the following chemical substances and/or mixtures is provided in Unit IV.:

A. 1-Decene, sulfurized (*Chemical Abstracts Service (CAS) No. 72162-15-3*).

B. Phosphorochloridothioic acid, O,O-diethyl ester (*CAS No. 2524-04-1*).

**II. Federal Register Publication Requirement**

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under TSCA section 4 (15 U.S.C. 2603).

**III. Docket Information**

A docket, identified by the docket identification (ID) number EPA-HQ-OPPT-2013-0677, has been established for this **Federal Register** document that announces the receipt of data. Upon EPA's completion of its quality

assurance review, the test data received will be added to the docket for the TSCA section 4 test rule that required the test data. Use the docket ID number provided in Unit IV. to access the test data in the docket for the related TSCA section 4 test rule.

The docket for this **Federal Register** document and the docket for each related TSCA section 4 test rule is available electronically at <http://www.regulations.gov> or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**IV. Test Data Received**

This unit contains the information required by TSCA section 4(d) for the test data received by EPA.

A. 1-Decene, sulfurized (*CAS No. 72162-15-3*)

1. *Chemical Use(s):* Petroleum lubricating oil and grease manufacturing industry as lubricants and lubricant additives.

2. *Applicable Test Rule:* Chemical testing requirements for third group of high production volume chemicals (HPV3), 40 CFR 799.5089.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data have been added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of test data will be added to the same docket upon completion.

- *Health.* A Combined Repeated Dose Toxicity Study with a Reproduction/Developmental Toxicity Screening of Sulfurated Decene by Oral Gavage in Rats. The docket ID number assigned to this data is EPA-HQ-OPPT-2009-0112.

B. Phosphorochloridothioic acid, O,O-diethyl ester (*CAS No. 2524-04-1*)

1. *Chemical Use(s):* An intermediate for pesticides, an oil and gasoline additive, in flame-retardants, and in flotation agents.

2. *Applicable Test Rule:* Chemical testing requirements for second group of

high production volume chemicals (HPV2), 40 CFR 799.5087.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data have been added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of test data will be added to the same docket upon completion.

- *Health Effects.* Mammalian Micronucleus Chromosome Toxicity Test. The docket ID number assigned to this data is EPA-HQ-OPPT-2007-0531.

**Authority:** 15 U.S.C. 2601 *et seq.*

Dated: January 7, 2015.

**Maria J. Doa,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 2015-00507 Filed 1-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

**EXPORT-IMPORT BANK****[Public Notice 2014-0055]**

**Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of \$100 Million: AP088936XX & XA**

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Notice.

**SUMMARY:** This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States ("Ex-Im Bank"), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of \$100 million (as calculated in accordance with Section 3(c)(10) of the Charter).

Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

**DATES:** Comments must be received on or before February 9, 2015 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

**ADDRESSES:** Comments may be submitted through [Regulations.gov](http://Regulations.gov) at [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV). To submit a comment, enter EIB-2014-0055 under the heading "Enter Keyword or ID" and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB-2014-0055 on any attached document.

*Reference:* AP088936XX & XA.

*Purpose and Use:*

*Brief description of the purpose of the transaction:*

To support the export of U.S.-manufactured aircraft to the Republic of Korea.

*Brief non-proprietary description of the anticipated use of the items being exported:*

To be used for the transportation of passengers and air cargo between the Republic of Korea and other countries.

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported maybe used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

*Parties:*

Principal Supplier: The Boeing Company

Obligor: Korean Air Lines Co., Ltd.  
Guarantor(s): None

*Description of Items Being Exported:*

Boeing 747 passenger and cargo aircraft and B777 cargo aircraft

*Information On Decision:* Information on the final decision for this transaction will be available in the "Summary Minutes of Meetings of Board of Directors" on <http://exim.gov/newsandevents/boardmeetings/board/>.

*Confidential Information:* Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

**Lloyd Ellis,**

*Program Specialist, Office of the General Counsel.*

[FR Doc. 2015-00410 Filed 1-13-15; 8:45 am]

**BILLING CODE 6690-01-P**

**EXPORT-IMPORT BANK**

[Public Notice 2014-0056]

**Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of \$100 Million: AP088925XX**

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Notice.

**SUMMARY:** This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States ("Ex-Im Bank"), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee

in excess of \$100 million (as calculated in accordance with Section 3(c)(10) of the Charter).

Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

**DATES:** Comments must be received on or before February 9, 2015 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

**ADDRESSES:** Comments may be submitted through Regulations.gov at [www.regulations.gov](http://www.regulations.gov). To submit a comment, enter EIB-2014-0056 under the heading "Enter Keyword or ID" and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB-2014-0056 on any attached document.

*Reference:* AP088925XX.

*Purpose and Use:*

*Brief description of the purpose of the transaction:*

To support the export of U.S.-manufactured commercial aircraft to Norway.

*Brief non-proprietary description of the anticipated use of the items being exported:*

To be used for medium-haul and long-haul passenger air transport between Scandinavia and the rest of Europe, the United States and Asia.

To the extent that Ex-Im Bank is reasonably aware, the items being exported may be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

*Parties:*

Principal Supplier: The Boeing Company

Obligor: Norwegian Air Shuttle A.S.A.  
Guarantor(s): N/A

*Description of Items Being Exported:*

Boeing 737 and 787 aircraft

*Information on Decision:* Information on the final decision for this transaction will be available in the "Summary Minutes of Meetings of Board of Directors" on <http://exim.gov/newsandevents/boardmeetings/board/>.

*Confidential Information:* Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that

competitors could use to compete with companies in the United States.

**Lloyd Ellis,**

*Program Specialist, Office of the General Counsel.*

[FR Doc. 2015-00411 Filed 1-13-15; 8:45 am]

**BILLING CODE 6690-01-P**

**FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL**

[Docket No. AS15-01]

**Meeting of the Appraisal Subcommittee Advisory Committee for Development of Regulations**

**AGENCY:** Appraisal Subcommittee of the Federal Financial Institutions Examination Council (ASC).

**ACTION:** Notice of open meeting.

**SUMMARY:** The Appraisal Subcommittee Advisory Committee for Development of Regulations (ASCAC or Committee) will meet in open session on Thursday, February 12, 2015, from 9:00 a.m. to 5:00 p.m. and Friday, February 13, 2015, from 9:00 a.m. to 5:00 p.m. All times are in the Eastern time zone. The primary purpose of this meeting is to continue discussion on potential recommendations to the ASC regarding Temporary Practice, National Registries (Appraisers and Appraisal Management Companies), Information Sharing and Enforcement. The final agenda will be posted on the ASC Web site at <https://www.asc.gov>.

**DATES:** ASCAC will meet on Thursday, February 12, 2015, from 9:00 a.m. to 5:00 p.m. and Friday, February 13, 2015, from 9:00 a.m. to 5:00 p.m. All times are in the Eastern time zone. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held at the Hilton Garden Inn located at 815 14th Street NW., Washington, DC 20005. Directional signs noting the meeting location for the ASCAC Meeting will be located in the hotel lobby.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lori Schuster, Designated Federal Officer, ASC, 1401 H Street NW., Suite 760, Washington, DC 20005; telephone (202) 595-7578; or via email at [Lori@asc.gov](mailto:Lori@asc.gov).

**SUPPLEMENTARY INFORMATION:**

*Background:* The Committee was established in accordance with the Federal Advisory Committee Act, as amended, 5. U.S.C. App. The Committee is composed of eighteen members nominated by the ASC Executive Director and approved by the Chairman of the ASC in consultation with ASC members. ASCAC members represent a

balance of expertise across the broad range of industry participants, including appraisers, lenders, consumer advocates, real estate agents, and government agencies. All ASCAC members have extensive experience concerning the appraiser regulatory framework for federally related transactions.

The ASC oversees the real estate appraisal process as it relates to federally related transactions as defined in Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989. The 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act included amendments to Title XI and expanded the ASC's authority to include rulemaking authority in four areas: (1) Temporary practice; (2) national registries; (3) information sharing; and (4) enforcement. The ASC is primarily seeking independent advice from ASCAC concerning sanctions ASCAC deems advisable for purposes of enforcement of regulations promulgated by the ASC to State appraiser regulatory programs.

**Procedures for Attendance:** Persons wishing to attend the meeting must notify Ms. Lori Schuster via email at [Lori@asc.gov](mailto:Lori@asc.gov) or (202) 595-7578 by 5:00 p.m. Eastern time, Thursday, February 5, 2015, in order to attend.

**Procedures for Public Comment:** There will be a public comment period, not to exceed thirty minutes, the morning of February 12, 2015. The public comment period is not intended to be a Q&A session. To register to comment, please contact Ms. Lori Schuster at [Lori@asc.gov](mailto:Lori@asc.gov) or (202) 595-7578. Requests to comment must be received by 5:00 p.m. Eastern time on February 5, 2015. Registered speakers/organizations will be allowed a maximum of 5 minutes each and will need to provide written copies of their comments. Written comments may be provided to Ms. Lori Schuster at [Lori@asc.gov](mailto:Lori@asc.gov) until 5:00 p.m. Eastern time, Monday, February 9, 2015.

Dated: January 9, 2015.

**James R. Park,**  
*Executive Director.*

[FR Doc. 2015-00422 Filed 1-13-15; 8:45 am]

BILLING CODE 6700-01-P

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*)

(BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 6, 2015.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105-1579:

1. *Banner Corporation*, Walla Walla, Washington; to acquire 100 percent of the voting shares of Starbuck Bancshares, Inc., Seattle, Washington, and thereby indirectly acquire AmericanWest Bank, Spokane, Washington.

Board of Governors of the Federal Reserve System, January 9, 2015.

**Robert deV. Frierson,**  
*Secretary of the Board.*

[FR Doc. 2015-00427 Filed 1-13-15; 8:45 am]

BILLING CODE 6210-01-P

## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or

other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 29, 2015.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105-1579:

1. *Cathay Financial Holding Co., Ltd., Cathay Life Insurance Co., Ltd., and Lin Yuan Investment Co., Ltd., all of Taipei, Taiwan, and Wan Bao Development Co., Ltd., New Taipei, Taiwan;* to acquire Conning Holdings Corp., Hartford, Connecticut, and thereby engage in financial and investment advisory activities, and agency transactional services for customer investments, pursuant to sections 225.28(b)(6) and 225.28(b)(7), respectively.

Board of Governors of the Federal Reserve System, January 9, 2015.

**Robert deV. Frierson,**  
*Secretary of the Board.*

[FR Doc. 2015-00428 Filed 1-13-15; 8:45 am]

BILLING CODE 6210-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Proposed Information Collection Activity; Comment Request

##### Proposed Projects

*Title:* Community-Based Family Resource and Support Grants (Name changed to Child Abuse Prevention Program—OIS notified 6/2007).

*OMB No.:* 0970-0155.

*Description:* The Program Instruction, prepared in response to the enactment of the Community-Based Grants for the Prevention of Child Abuse and Neglect (administratively known as the Community Based Child Abuse

Prevention Program, (CBCAP), as set forth in Title II of Public Law 108–36, Child Abuse Prevention and Treatment Act Amendments of 2003, and in the process of reauthorization, provides direction to the States and Territories to accomplish the purposes of (1) supporting community-based efforts to develop, operate, expand, and where appropriate to network, initiatives aimed at the prevention of child abuse

and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect, and; (2) fostering an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect. This Program Instruction contains information collection requirements that

are found in (Pub. L. 108–36) at sections 201; 202; 203; 205; 206; 207; and pursuant to receiving a grant award. The information submitted will be used by the agency to ensure compliance with the statute, complete the calculation of the grant award entitlement, and provide training and technical assistance to the grantee.

*Respondents:* State Governments.

#### ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application .....	52	1	40	2,080
Annual Report .....	52	1	24	1,248

Estimated Total Annual Burden Hours: 3,328.

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](mailto: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. 2015–00374 Filed 1–13–15; 8:45 am]

**BILLING CODE 4184–01–P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Administration for Children and Families

##### Proposed Information Collection Activity; Comment Request

##### Proposed Projects

*Title:* National Child Abuse and Neglect Data System.

*OMB No.* 0970–0424.

*Description:* The Administration on Children, Youth and Families in the U.S. Department of Health and Human Services (HHS) established the National Child Abuse and Neglect Data System (NCANDS) to respond to the 1988 and 1992 amendments (Pub. L. 100–294 and Pub. L. 102–295) to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 *et seq.*), which called for the creation of a coordinated national data collection and analysis program, both universal and case-specific in scope, to examine standardized data on false, unfounded, or unsubstantiated reports.

In 1996, the Child Abuse Prevention and Treatment Act was amended by Public Law 104–235 to require that any State receiving the Basic State Grant work with the Secretary of the Department of Health and Human Services (HHS) to provide specific data on child maltreatment, to the extent practicable. These provisions were retained in the 2010 reauthorization of CAPTA (Pub. L. 113–320).

Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

1. The number of children who were reported to the State during the year as victims of child abuse or neglect.

2. Of the number of children described in paragraph (1), the number with respect to whom such reports were—

- A. substantiated;
- B. unsubstantiated; or
- C. determined to be false.

3. Of the number of children described in paragraph (2)—

- A. the number that did not receive services during the year under the State program funded under this section or an equivalent State program;
- B. the number that received services during the year under the State program funded under this section or an equivalent State program; and
- C. the number that were removed from their families during the year by disposition of the case.

4. The number of families that received preventive services, including use of differential response, from the State during the year.

5. The number of deaths in the State during the year resulting from child abuse or neglect.

6. Of the number of children described in paragraph (5), the number of such children who were in foster care.

7. A. The number of child protective service personnel responsible for the—

- i. intake of reports filed in the previous year;
- ii. screening of such reports;
- iii. assessment of such reports; and
- iv. investigation of such reports.

- B. The average caseload for the workers described in subparagraph (A).

8. The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

9. The response time with respect to the provision of services to families and children where an allegation of child abuse or neglect has been made.
10. For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—
- information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;
  - data of the education, qualifications, and training of such personnel;
  - demographic information of the child protective service personnel; and
  - information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child
- protective service worker and supervisor.
- The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse or neglect, including the death of the child.
  - The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.
  - The annual report containing the summary of activities of the citizen review panels of the State required by subsection (c)(6).
  - The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.
  - The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).
  - The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 *et seq.*).

The Children's Bureau proposes to continue collecting the NCANDS data through the two files of the Detailed Case Data Component, the Child File (the case-level component of NCANDS) and the Agency File (additional aggregate data, which cannot be collected at the case level). Technical assistance will be provided so that all States may provide the Child File and Agency File data to NCANDS.

There are no proposed changes to the NCANDS data collection instruments. New fields were implemented during the previous OMB clearance cycle in support of the CAPTA Reauthorization Act of 2010 and to improve reporting on federal performance measures.

*Respondents:* State governments, the District of Columbia, and the Commonwealth of Puerto Rico.

#### ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Detailed Case Data Component Child File and Agency File .....	52	1	82	4,264

Estimated Total Annual Burden Hours: 4,264.

In compliance with the requirements of section 3506(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 may be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: [infocollection@acf.hhs.gov](mailto: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. 2015-00081 Filed 1-13-15; 8:45 am]

**BILLING CODE 4184-01-P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

[Docket No. FDA-2014-N-1951]

#### CHEMBIOMED, LTD., Opportunity for a Hearing on a Proposal To Revoke U.S. License No. 0916

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for a hearing on a proposal to revoke the biologics license (U.S. License No. 0916) issued to CHEMBIOMED, LTD. (CHEMBIOMED), for the manufacture of Anti-A (Murine Monoclonal), Anti-B (Murine Monoclonal), Anti-Le<sup>a</sup> (Murine Monoclonal) and Anti-Le<sup>b</sup> (Murine Monoclonal). The proposed revocation is based on information that the firm is no longer in operation and the manufacture of its licensed products has been discontinued.

**DATES:** CHEMBIOMED may submit electronic or written requests for a hearing by February 13, 2015, and any data and information justifying a hearing by March 16, 2015. Other interested persons may submit electronic or written comments on the proposed revocation by March 16, 2015.

**ADDRESSES:** Submit electronic requests for a hearing, any data and information justifying a hearing, and comments to <http://www.regulations.gov>. Submit written requests for a hearing, any data and information justifying a hearing,

and any written comments on the proposed revocation to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** John Reilly, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is initiating proceedings to revoke the biologics license (U.S. License No. 0916) issued to CHEMBIOMED, 9515 107th St., Rm. 401, Edmonton AB T5K 2C3, Canada, for the manufacture of Anti-A (Murine Monoclonal), Anti-B (Murine Monoclonal), Anti-Le<sup>a</sup> (Murine Monoclonal) and Anti-Le<sup>b</sup> (Murine Monoclonal). Proceedings to revoke U.S. License No. 0916 are being initiated under 21 Code of Federal Regulations (CFR) 601.5(b) because FDA has determined through various means that a meaningful inspection of CHEMBIOMED cannot be conducted because the manufacturer is no longer in operation. In addition, Health Canada has advised FDA that CHEMBIOMED is no longer in operation. According to the Industry Canada Web site ([www.ic.gc.ca](http://www.ic.gc.ca)), CHEMBIOMED (Corporation No. 0228176 and Business No. (BN) 100938521RC0001 under the governing legislation of the Canada Business Corporations Act) was issued a Certificate of Incorporation on August 15, 1977, and later was issued a Certificate of Dissolution on March 17, 1999.

In a phone conversation that occurred on July 7, 1992, a former CHEMBIOMED employee informed FDA that CHEMBIOMED was no longer in business, had ceased the manufacture of licensed products, and had also ceased shipments of licensed products to the United States.

In a letter dated June 16, 1995, FDA requested from the Authorized Official (Responsible Head) of CHEMBIOMED a status update for the production of all of the products for which CHEMBIOMED held a U.S. license. This letter requested that the firm notify FDA in writing of the firm's status and also informed the Authorized Official that in the absence of a response to this letter that FDA would take action to revoke CHEMBIOMED's U.S. license. FDA did not receive a response to its letter dated June 16, 1995.

In a certified, return-receipt letter dated October 18, 1995, FDA requested

that the Authorized Official of CHEMBIOMED inform FDA whether or not the firm intended to pursue a product license application supplement request dated May 6, 1987. In the October 18, 1995 letter, FDA also informed the Authorized Official that the product license application supplement request had been placed in the FDA inactive files. FDA did not receive a response to its certified, return-receipt letter dated October 18, 1995.

In a letter to CHEMBIOMED dated December 19, 2012, FDA provided notice of FDA's intent to revoke U.S. License No. 0916 and announced its intent to offer an opportunity for a hearing. FDA indicated that FDA registrations for CHEMBIOMED facilities have not been updated since May 12, 1994. The letter also advised the Authorized Official that, under 21 CFR 601.5(b)(1)(i) and (ii) of FDA's regulations, proceedings for license revocation may be instituted when FDA finds that authorized FDA employees have been unable to gain access to an establishment for the purpose of carrying out an inspection, or when the manufacturing of a product has been discontinued to an extent that a meaningful inspection cannot be made. The December 19, 2012 letter to CHEMBIOMED, sent via United Parcel Service (UPS), was returned as undeliverable.

**II. Notice of Opportunity for Hearing**

Because FDA has made reasonable efforts to notify CHEMBIOMED of the proposed revocation and no response has been received from the firm, FDA is proceeding under 21 CFR 12.21(b) and issuing this notice of opportunity for a hearing on a proposal to revoke the biologics license (U.S. License No. 0916) issued to CHEMBIOMED for the manufacture of Anti-A (Murine Monoclonal), Anti-B (Murine Monoclonal), Anti-Le<sup>a</sup> (Murine Monoclonal) and Anti-Le<sup>b</sup> (Murine Monoclonal).

FDA has placed copies of the documents relevant to the proposed revocation on file with the Division of Dockets Management (see **ADDRESSES**) under the docket number found in brackets in the heading of this notice. These documents include the following: (1) A phone conversation record dated July 7, 1992 between FDA and a former CHEMBIOMED employee; (2) an FDA letter to the Authorized Official of CHEMBIOMED dated June 16, 1995; (3) a certified, return-receipt letter from FDA to the Authorized Official of CHEMBIOMED dated October 18, 1995; (4) a UPS Express Mail, signature

required letter from FDA to the Authorized Official of CHEMBIOMED, dated December 19, 2012, and returned as undeliverable; and (5) Industry Canada information that documents CHEMBIOMED, Corporation No. 0228176 and BN 100938521RC0001 under the governing legislation of the Canada Business Corporations Act, was issued a Certificate of Incorporation on August 15, 1977, and later was issued a Certificate of Dissolution on March 17, 1999. These documents are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

CHEMBIOMED may submit an electronic or written request for a hearing to the Division of Dockets Management by February 13, 2015, and any data and information justifying a hearing to the Division of Dockets Management by March 16, 2015. Other interested persons may submit electronic or written comments on the proposed license revocation to the Division of Dockets Management by March 16, 2015. The failure of the licensee, CHEMBIOMED, to file a timely electronic or written request for a hearing constitutes an election by the licensee not to avail itself of the opportunity for a hearing concerning the proposed license revocation (§ 12.22(b)).

FDA's procedures and requirements governing a notice of opportunity for a hearing, notice of appearance and request for a hearing, grant or denial of a hearing, and submission of data and information to justify a hearing on a proposed revocation of a license are contained in 21 CFR parts 12 and 601. A request for a hearing may not rest on mere allegations or denials, but must set forth a genuine and substantial issue of fact that requires a hearing (§ 12.24(b)). If it conclusively appears from the face of the data, information, and factual analyses submitted in support of the request for a hearing that there is no genuine and substantial issue of fact for resolution at a hearing, the Commissioner of Food and Drugs (the Commissioner) will deny the hearing request, making findings and conclusions that justify the denial (§ 12.24(b)(3)).

Only one copy of any submission need be provided to FDA. Submissions are to be identified with the docket number found in brackets in the heading of this document. Such submissions, except for data and information prohibited from public disclosure under 21 CFR 10.20(j)(2)(i), 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be examined in the Division of Dockets

Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday and will be posted to the docket at <http://www.regulations.gov>.

This notice is issued under section 351 of the Public Health Service Act (42 U.S.C. 262) and sections 201, 501, 502, 505, and 701 of the Federal Food, Drug, and Cosmetic Acts (21 U.S.C. 321, 351, 352, 355, and 371), and under the authority delegated to the Commissioner and redelegated to the Director and Deputy Director of the Center for Biologics Evaluation and Research (FDA Staff Manual Guide 1410.203).

Dated: January 9, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-00442 Filed 1-13-15; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Determining Mental Health Professional Shortage Areas of Greatest Need

**AGENCY:** Health Resources and Services Administration (HRSA), Health and Human Services (HHS).

**ACTION:** updating of the scoring criteria for determining mental health professional shortage areas (HPSA) of greatest need.

**SUMMARY:** In accordance with the requirements of section 333A(b)(1) of

the Public Health Service (PHS) Act, as amended by the Health Care Safety Net Amendments of 2002, 42 U.S.C. 254f-1(b)(1), the Secretary of HHS shall establish the criteria which she will use to make determinations under section 333A(a)(1)(A) of the HPSAs with the greatest shortages. This notice sets forth revised criteria for determining mental health HPSAs with the greatest shortage. This updates the previous criteria published on May 30, 2003.

**DATES:** Effective January 14, 2015.

**FOR FURTHER INFORMATION CONTACT:** Kae Brickerd, Ph.D., Chief, Shortage Designation Branch, Bureau of Health Workforce, Division of Policy and Shortage Designation, Health Resources and Services Administration, 11W14 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 945-0828, [kbrickerd@hrsa.gov](mailto:kbrickerd@hrsa.gov).

**SUPPLEMENTARY INFORMATION:** Section 332 of the PHS Act, 42 U.S.C. 254e, provides that the Secretary shall designate HPSAs based on criteria established by regulation. HPSAs are defined in Section 332 to include (1) urban and rural geographic areas with shortages of health professionals, (2) population groups with such shortages, and (3) facilities with such shortages. The required regulations setting forth the criteria for designating HPSAs are codified at 42 CFR part 5. Section 333A(a)(1)(A) of the PHS Act and requires that the Secretary give priority in the assignment of National Health Service Corps personnel to entities serving HPSAs with the greatest health professional shortage. Section 333A(b)

of the PHS Act requires that the Secretary establish criteria specifying the manner in which she determines HPSAs of greatest shortage and publish the criteria, and any revisions to the criteria, in the **Federal Register**. The criteria established by the Secretary create a method for scoring HPSAs based on relative shortage.

In the **Federal Register** notice on May 30, 2003, 68 FR 32531, the following criteria were identified for determining scores for mental health HPSAs: population to provider ratio, percentage of the population below 100 percent of poverty, travel time to the nearest alternative source of care, the ratio of children under age 18 to adults age 18-64, the ratio of adults over age 65 to adults age 18-64, and alcohol and substance abuse prevalence rates. Each factor is given points and the score is the sum of the points, up to 25. This notice modifies and provides clarification to the point scale for the population to provider ratio component of the formula, based on an assessment that the current point scale for the population to provider ratio does not adequately reflect the level of shortage. As a result of the modifications, the point values assigned for some population to provider ratios will see either a small increase or decrease, while others may remain unchanged. All other scoring criteria and point scales remain the same as published in the previous notice.

The point scale published in 2003 for the population to provider ratio is presented in the following table:

Psychiatrist ratio	Core mental health ratio	Score
>45,000:0 AND .....	>4,500:0 .....	8
<20,000:1 and >15,000:1 AND .....	>4500:1 and <6000:1 <sup>1</sup> .....	7
<30,000:1 and >15,000:1 OR .....	>6000:1 and <9,000:1 .....	6
<45,000:1 and > 20,000:1 AND .....	>4,500:1 and <6,000:1 .....	5
>20,000:1 AND .....	>4,500:0 and <6,000:0 .....	4
>30,000:1 .....	>6,000:1 .....	3
	.....	2
	>9,000:1 .....	1

<sup>1</sup> > = Greater Than; < = Less Than

To reflect the mental health services available in a community, entities applying for Mental Health HPSAs are encouraged to report on the number of both psychiatrists and core mental

health providers rendering services. The revised point scale is as follows:

For Geographic High Need and Population HPSAs, as defined in the

designation criteria set forth in 42 CFR part 5, Appendix C, Part 1, and A.4.

**BILLING CODE 4165-15-P**

Geographic High Need and Population		Core Mental Health Ratio						
		≥4.5K and <6K:1 <sup>2</sup>	≥6K and <7.5K:1	≥7.5K and <9K:1	≥9K and <12K:1	≥12K and <15K:1	≥15K and <18K:1	≥ 18K:1
Psychiatrists Ratio	≥15K and <20K:1	1	2	3	4	5	6	7
	≥20K and <25K:1	2	3	4	5	6	7	7
	≥25K and <30K:1	3	4	5	6	7	7	7
	≥30K and <35K:1	4	5	6	7	7	7	7
	≥35K and <40K:1	5	6	7	7	7	7	7
	≥40K and <45K:1	6	7	7	7	7	7	7
	≥45K:1 or 0 psychiatrists as verified by HRSA	7	7	7	7	7	7	7

Only Reporting Psychiatrists (Geographic High Need and Population)	
Ratio	Score
≥20K and <25K:1	1
≥25K and <30K:1	2
≥30K and <35K:1	3
≥35K and <40K:1	4
≥40K and <45K:1	5
≥45K and <50K:1	6
≥50K:1	7

Only Reporting Core Mental Health Providers (Geographic High Need and Population)	
Ratio	Score
≥6K and <7.5K:1	1
≥7.5K and <9K:1	2
≥9K and <12K:1	3
≥12K and <15K:1	4
≥ 5K and <18K:1	5
≥18K and <24K:1	6
≥24K:1	7

No Psychiatrists or Core Mental Health Providers as verified by HRSA (Geographic High Need and Population)	
Ratio	Score
≥1.5K and <3K:0	1
≥3K and <4.5K:0	2
≥4.5K and <6K:0	3
≥6K and <7.5K:0	4
≥7.5K and <9K:0	5
≥9K and <12K:0	6
≥12K and <15K:0	7

<sup>2</sup> ≥=Greater Than or Equal to; K=thousand



For Geographic (Non-High Need) HPSAs.

Geographic (Non-High Need)		Core Mental Health Ratio						
		≥ 6K and <7.5K:1	≥ 7.5K and <9K:1	≥ 9K and <12K:1	≥ 12K and <15K:1	≥ 15K and <18K:1	≥ 18K and <24K:1	≥ 24K:1
Psychiatrists Ratio	≥ 20K and <25K:1	1	2	3	4	5	6	7
	≥ 25K and <30K:1	2	3	4	5	6	7	7
	≥ 30K and <35K:1	3	4	5	6	7	7	7
	≥ 35K and <40K:1	4	5	6	7	7	7	7
	≥ 40K and <45K:1	5	6	7	7	7	7	7
	≥ 45K and <50K:1	6	7	7	7	7	7	7
	≥ 50K:1 or 0 psychiatrists as verified by HRSA	7	7	7	7	7	7	7

Only Reporting Psychiatrists (Geographic Non-High Need)	
Ratio	Score
≥ 30K and <35:1	1
≥ 35K and <40K:1	2
≥ 40K and <45K:1	3
≥ 45K and <50K:1	4
≥ 50K and <55K:1	5
≥ 55K and <60K:1	6
≥ 60K:1	7

Only Reporting Core Mental Health Providers (Geographic Non-High Need)	
Ratio	Score
≥ 9K and <12K:1	1
≥ 12K and <15:1	2
≥ 15K and <18:1	3
≥ 18K and <24K:1	4
≥ 24K and <30K:1	5
≥ 30K and <36K:1	6
≥ 36K:1	7

No Psychiatrists or Core Mental Health Providers as verified by HRSA (Geographic Non-High Need)	
Ratio	Score
≥ 3K and <4.5K:0	1
≥ 4.5K and <6K:0	2
≥ 6K and <7.5K:0	3
≥ 7.5K and <9K:0	4
≥ 9K and <12K:0	5
≥ 12K and <15K:0	6
≥ 15K and <18K:0	7

Dated: January 6, 2015.

Mary K. Wakefield,  
Administrator.

[FR Doc. 2015-00398 Filed 1-13-15; 8:45 am]

BILLING CODE 4165-15-C

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Submission for OMB Review; 30-day Comment Request Progress Reports for Center for Global Health's Low and Mid-Income Countries (LMICs) Global Health Collaborations (NCI)

**SUMMARY:** Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection

listed below. This proposed information collection was previously published in the **Federal Register** on July 28, 2014, Vol. 79, P. 43755 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

**Direct Comments to OMB:** Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) or by fax to 202-395-6974, Attention: NIH Desk Officer.

**omb.eop.gov** or by fax to 202-395-6974, Attention: NIH Desk Officer.

**DATES:** *Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the data collection plans and instruments, or request more information on the proposed project, contact: Paul C. Pearlman, Ph.D., Center for Global Health, National Cancer Institute, 9609 Medical Center Dr., RM 3W550, Rockville, MD 20850 or call non-toll-free number 240-276-5354 or Email your request, including your address to: [paul.pearlman@nih.gov](mailto:paul.pearlman@nih.gov). Formal requests for additional plans and instruments must be requested in writing.

**Proposed Collection:** Progress Reports for Center for Global Health's Low and Mid-Income Countries (LMICs) Global

Health Collaborations, 0925–NEW, National Cancer Institute (NCI), National Institutes of Health (NIH).

*Need and Use of Information Collection:* The Center for Global Health's (CGH) Low and Mid-Income Countries (LMICs) Global Health Collaborations is proposing new program specific progress report guidelines. The CGH LMIC Global Health Collaborations are part of a pilot initiative and partnership, between the NCI CGH and the Office of Cancer Centers (OCC), to promote collaborations between the NCI designated Cancer Centers and foreign institutions from Low and Middle Income Countries (LMICs). This

collaboration is designed to develop and implement mutually beneficial global cancer research programs by increasing the capability of these countries to participate and partner in cancer research. The proposed guidelines request information about award performance related to objectives, accomplishments, barriers and challenges, collaborators, and findings. The information is gathered six months into the award and 12 months after the award (upon expiry). This information is needed to monitor the performance of this special program within NCI, funded through three Request for Proposals (RFPs); the first was released April 18,

2013 and CGH expects to release another in 2014 and the final one in 2015. The respondents are the Principal Investigators of the awards. The information will be used to monitor individual award performance and the effectiveness of the program as a whole. Since these projects are funded through the contract mechanism, the PIs will not be required to submit interim and final progress reports like other National Institutes of Health grantees must.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 83.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Principal Investigators .....	6 Month Report .....	15	1	90/60	23
	12 Month Report .....	15	1	4	60

Dated: January 7, 2015.

**Karla Bailey,**

*NCI Project Clearance Liaison, National Institutes of Health.*

[FR Doc. 2015-00393 Filed 1-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Announcement of Requirements and Registration for: "Innovations in Measuring and Managing Addiction Treatment Quality" Challenge

**Authority:** 15 U.S.C. 3719.

*Award Approving Official:* Dr. Nora Volkow, Director, National Institute on Drug Abuse (NIDA)

**SUMMARY:** Through the "Innovations in Measuring and Managing Addiction Treatment Quality" Challenge (the "Challenge"), the National Institute on Drug Abuse (NIDA), a component of the National Institutes of Health (NIH), challenges the general public to make concrete advances toward improving the quality of addiction treatment. Specifically, through this Challenge, NIDA hopes to incentivize the development of innovative concepts for quality measurement and quality management systems based on the latest science of addiction and its treatment and of quality measurement and management. These new concepts

would be game-changing because they would go beyond current performance measurement concepts in that they would not be limited by the data commonly available in current provider and payer data systems. Instead, they would (a) more directly reflect the clinical effects that can and should be expected from high-quality addiction treatment; (b) capture what clinicians and provider organizations need to measure to help them provide high-quality addiction treatment; and (c) provide a solid basis for measuring clinician and provider performance that may be used by patients and other purchasers to select and incent high-quality treatment. NIDA believes that the development of such quality measures and management systems has the potential to meaningfully improve the quality of addiction treatment both by giving clinicians and providers the information they need to assess and improve the quality of the care they provide and by providing tools patients and purchasers can use to shop for the highest quality providers, allowing market forces to provide another incentive for improvement.

#### DATES:

- (1) Submission Period begins January 14, 2015, 9:00 a.m., ET
- (2) Submission Period ends June 1, 2015, 5:00 p.m., ET
- (3) Judging Period June 2, 2015 and July 15, 2015, 2015
- (4) Winners Announced September 30, 2015

#### FOR FURTHER INFORMATION CONTACT:

Sarah Q. Duffy, Ph.D., Associate Director for Economics Research, Division of Epidemiology, Services and Prevention Research, National Institute on Drug Abuse, Phone: 301-443-6504 Email [duffys@nida.nih.gov](mailto:duffys@nida.nih.gov).

#### SUPPLEMENTARY INFORMATION:

##### Subject of the Challenge

Scientific knowledge about addiction and its treatment has increased markedly over the past several years. We have a better understanding of the effects of drugs on the brain. We also have new, more effective treatments. At the same time, new health care payment and delivery models are emerging that may provide opportunities to further enhance the quality of addiction treatment.

It has long been recognized that health care may be improved through the development and use of quality measures and management systems through which they can be collected, reported, monitored, and improved [Ref. 1]. Quality measures are meant to reflect aspects of the care provided, or outcomes achieved that assess the health care quality. Health care quality has been defined as "the degree to which health care services for individuals and populations increase the likelihood of desired outcomes and are consistent with current professional knowledge" [Ref. 2.]. In 2006 the Institute of Medicine recommended developing and implementing a quality

measurement and reporting infrastructure as part of an overall strategy for enhancing the care provided in the field of addiction treatment [Ref. 3]. It is also the case that the availability of strong quality measures, as described below, and management systems through which they can be reported, monitored, and acted upon, is a vital component of payment and delivery reforms in the public and private sectors [Ref. 4].

Controlling the growth of health care costs without adversely affecting care requires strong quality measures. Strong quality measures are those that can be directly improved by clinicians, treatment programs, and/or health care systems. Such quality measures either directly or indirectly (as proxy measures) measure aspects of patient functioning, health, or well-being, improvements in which are strongly and causally related to desired improvements in patient functioning, health or well-being. Strong quality measures may also be used by patients and payers to select high-quality providers thereby promoting change in the marketplace [Ref. 5].

Traditionally, three types of measures have been used to track aspects of treatment quality: Structural measures, process measures, and outcome measures [Ref. 6]. In the United States, quality measurement in addiction treatment largely has focused on process measures which measure the actual care provided, for example whether or not a patient received a certain medication, and outcome measures which measure how patients responded to treatment.

The most commonly used process measures in addiction treatment are the Washington Circle treatment initiation and engagement measures, both of which seek to measure the quality of initial care provided within health plans or treatment systems [Ref. 7]. Under the Washington Circle treatment initiation measure, the standard is met when a patient receives a treatment visit within 14 days of diagnosis, while the standard under the engagement measure is met when a patient has two or more visits within 30 days of that initial treatment visit. Some state substance abuse treatment agencies have used these measures to provide feedback to providers to aid their quality improvement efforts or incentivize improvements via performance-based contracting [Ref. 8]. Still, the most recent National Committee on Quality Assurance *State of Health Care Quality* report shows that less than 15 percent of insured patients received care that met the engagement measure standard in commercial, Medicaid, and Medicare

health plans in 2012, rates similar to those achieved in 2004 [Ref. 9]. Moreover, there is limited evidence of a causal relationship between having met either standard and improvements in patients' functioning, health, or well-being.

Another commonly used process measure of addiction treatment quality—the length of stay in treatment—has likewise shown limited evidence of effectiveness [Ref. 10].

The most prominent outcome measure initiative is the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Outcome Measures (NOMs). The NOMs are based on administrative data that states are required to report to SAMHSA. They assess the extent of changes in measures such as drug use, homelessness, and employment between time of treatment admission and time of discharge. While measures of initial treatment attendance, length of stay in treatment, and changes in use and other outcomes between admission and discharge meet important needs, they are insufficient to assess key aspects of providers' contributions to the outcomes of care. Importantly, they do not signal to providers and systems what they need to do clinically to improve the quality of addiction treatment to the highest possible level. Specifically, they do not answer the following questions fundamental to informing providers how to improve the care they provide to patients, many of whom have a chronic, relapsing, disorder and may require multiple treatment episodes:

- *What clinical effects can reasonably be expected from high-quality, state-of-the-art addiction treatment? How can these clinical effects be measured?* Abstinence is thought by many to be the ultimate outcome and goal of treatment. But, to date, there is no type of treatment that has been scientifically shown to deliver complete and sustained abstinence, after a single episode of care, every time, even under ideal conditions. Absent that, it is critical to determine and measure what changes high-quality treatment *can* and *should* deliver in patients with a condition that can be chronic and relapsing. What clinical changes significantly improve the chances a patient will progress toward reduced use, sustained abstinence and improvements in other important goals often crucial to recovery, such as improved health, employment performance, and healthy relationships, over time?

- *How can improvements in this measure or set of measures be achieved,*

*both clinically and within a provider setting or system of care?* While development and specification of measures are important, equally important is a carefully thought-out and comprehensive conceptual framework or model. Such a model would address the following types of questions: What would it take for the proposed measures to be useful in improving quality? What does a clinician need to do so the patient can improve on this measure? What resources, including data collection, storage, and analysis, are needed to use the measures to assess quality and improve care? What are the likely current levels of this measure and how much might it be improved? What unintended consequences might result from attempts to improve this measure? What might be the effect on the provider industry when providers begin to improve this measure?

- *How could patients and payers use these measures to help them select and incent providers?* Informed purchasing by patients and payers is key to most efforts in the United States that seek to improve quality and control costs. Accurate quality measures are essential to these efforts. How can the proposed measures be tailored to the characteristics of individual patients? How can they be fairly compared across providers? How can they be presented in a way that patients and payers can readily obtain and use them to make decisions?

- *How might these measures and systems be evaluated and improved once they are implemented?* Research can provide important information about how measures and systems are likely to work. But it is also important to understand how measures and systems are implemented in non-research settings and how they perform there. In addition, quality measurement and managements systems must often be dynamic. Measures may need to be dropped or replaced because they either have been improved as much as possible or did not work as intended. Measures may also need to be updated to incorporate new knowledge about addiction and its treatment, or because of changes in how care is delivered and paid for. How might these types of evaluation and improvements occur within the proposed measurement and management system?

NIDA is seeking innovative, forward-looking concepts synthesizing the latest scientific findings from a broad array of relevant disciplines to address these questions.

### Statutory Authority of the Funding Source

This Challenge is consistent with and advances the mission of NIDA as described in 42 U.S.C. 285o. The general purpose of NIDA is to conduct and support biomedical and behavioral research and health services research, research training, and health information dissemination with respect to the prevention of drug abuse and the treatment of drug abusers. Consistent with this authority, one of NIDA's strategic goals is to support research to improve the quality of addiction treatment. Novel measures, conceptual models, and related research agendas that achieve the goals underlying this Challenge will rely on the latest science and help set priorities for future research and, accordingly, will support this strategic goal.

### Rules for Participating in the Challenge

1. To be eligible to win a prize under this Challenge, an individual or entity:

a. Shall have registered to participate in the Challenge under the rules promulgated by NIDA and published in this Notice;

b. Shall have complied with all the requirements in this Notice;

c. In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States. However, non-U.S. citizens and non-permanent residents can participate as a member of a team that otherwise satisfies the eligibility criteria. Non-U.S. citizens and non-permanent residents are not eligible to win a monetary prize (in whole or in part). Their participation as part of a winning team, if applicable, may be recognized when the results are announced.

d. In the case of an individual, whether participating singly or in a group, must be at least 18 years old at the time of entry;

e. May not be a Federal entity.

f. May not be a Federal employee acting within the scope of his/her employment, and further, in the case of HHS employees, may not work on their submission(s) during assigned duty hours;

g. May not be an employee of the National Institutes of Health (NIH), a judge of the Challenge, or any other party involved with the design, production, execution, or distribution of the Challenge or the immediate family of such a party (*i.e.*, spouse, parent, step-parent, child, or step-child).

2. Federal grantees may not use Federal funds to develop their Challenge submissions unless use of such funds is consistent with the purpose of their grant award and specifically requested to do so due to the Challenge design.

3. Federal contractors may not use Federal funds from a contract to develop their Challenge submissions or to fund efforts in support of their Challenge submission.

4. Submissions must not infringe upon any copyright or any other rights of any third party. Each participant warrants that he or she is the sole author and owner of the work and that the work is wholly original.

5. By participating in this Challenge, each individual (whether competing singly or in a group) and entity agree to assume any and all risks and waive claims against the Federal Government and its related entities (as defined in the COMPETES Act), except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in the Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise.

6. Based on the subject matter of the Challenge, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, or property damage, or loss potentially resulting from Challenge participation, no individual (whether competing singly or in a group) or entity participating in the Challenge is required to obtain liability insurance or demonstrate financial responsibility in order to participate in this Challenge.

7. By participating in this Challenge, each individual (whether competing singly or in a group) or entity agrees to indemnify the Federal Government against third party claims for damages arising from or related to Challenge activities.

8. An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during the Challenge if the facilities and employees are made available to all individuals and entities participating in the Challenge on an equitable basis.

9. Each individual (whether competing singly or in a group) or entity retains title and full ownership in and to their submission and each participant expressly reserves all intellectual property rights (*e.g.*, copyright) in their submission. However, each participant grants to NIDA, and others acting on

behalf of NIDA, a royalty-free non-exclusive worldwide license to use, copy for use, and display publicly all parts of the submission for the purposes of the Challenge. This license may include posting or linking to the submission on the official NIDA Web site and making it available for use by the public.

10. The NIH reserves the right, in its sole discretion, to (a) cancel, suspend, or modify the Challenge, and/or (b) not award any prizes if no entries are deemed worthy.

11. Each individual (whether competing singly or in a group) or entity agrees to follow applicable local, State, and Federal laws and regulations.

12. Each individual (whether participating singly or in a group) and entity participating in this Challenge must comply with all terms and conditions of these rules, and participation in this Challenge constitutes each such participant's full and unconditional agreement to abide by these rules. Winning is contingent upon fulfilling all requirements herein.

### Submission Requirements

Each submission for this Challenge should consist of a white paper describing a concept for an innovative quality measurement and management system to measure, manage, and improve the quality of clinical care in addiction treatment. The white paper must describe a novel concept based on the latest findings from relevant areas of science. It must include the following two sections:

1. A description of candidate clinical effects of addiction treatment and how these effects could be measured (directly or by proxy); a discussion of the likely level of these measures in the current treatment system, how much improvement might be achievable, how the measure(s) could conceivably be implemented, now or in the future, to improve the quality of care; how the resulting information could conceivably be used to help patients and payers select providers; and how the proposed measures and systems might be evaluated and improved once implemented.

2. A research agenda addressing the current state of relevant scientific knowledge; the gaps that need to be addressed to support the development, testing, and use of these novel concepts, measures, and systems; and a plan and an estimated timeframe for filling those gaps.

The white paper must not contain any information directly identifying the participants.

### Registration and Submission Process

To register for this Challenge, participants must go to [www.challenge.gov](http://www.challenge.gov) and search for “Innovations in Measuring and Managing Addiction Treatment Quality Challenge”. Click on the title to go to the Challenge platform Web site, which contains instructions on how to register and submit.

All submissions must be in English. Each submission must consist of a PDF file, containing the white paper document. The PDF documents must be formatted to be no larger than 8.5” by 11.0”, with at least 1 inch margins. The white paper must be no more than 20 pages long. Font size must be no smaller than 11 point Arial. The participant must not use HHS’s logo or official seal or the logo of NIH or NIDA in the submission, and must not claim federal government endorsement.

### Amount of the Prize

Up to four monetary prizes may be awarded: \$35,000 for 1st Place, \$30,000 for 2nd Place, \$25,000 for 3rd Place, and \$10,000 for Honorable Mention for a total prize award pool of up to \$100,000. The names of the winners and the titles of their submissions will be posted on the NIDA Web site. In addition, NIDA may work with winners and a peer-reviewed journal to publish articles based on the white papers in a special issue on the future of quality measurement and management systems in the field of addiction treatment. The award approving official for this Challenge is the Director of the National Institute on Drug Abuse.

### Payment of the Prize

Prizes awarded under this Challenge will be paid by electronic funds transfer and may be subject to Federal income taxes. The NIH will comply with the Internal Revenue Service withholding and reporting requirements, where applicable.

### Basis Upon Which Winner Will Be Selected

The judging panel will make recommendations to the Award Approving Official based upon the following five criteria and point allocation:

1. Novelty of the concept (5 points): Concepts are to move beyond the existing quality measurement and management paradigms and administrative data elements commonly used in the addiction treatment field. They are to focus on clinical effects that can be obtained as a direct result of treatment in the context of what is often a chronic, relapsing condition. How

novel is the concept? Does it address important clinical effects that are not currently or adequately considered in existing quality measurement and improvement efforts in the addiction treatment field?

2. Clinical effectiveness of the concept (5 points): Are changes in the identified effects something that high-quality treatment could conceivably affect in a meaningful way? How effective would improvements in these clinical effects likely be in addressing addiction and improving other outcomes important to patients and other purchasers of care?

3. Scientific basis for the concept (5 points): Concepts must rely on the latest scientific understanding of addiction and its treatment from a broad range of fields, as well as the latest science of quality measurement and management. How meaningfully, comprehensively, and effectively does the concept incorporate these latest advances in areas of science relevant to addiction, its treatment, and quality improvement?

4. Quality of the conceptual model (5 points): How well is the conceptual framework or model developed? How well does it consider factors relevant to the ultimate success of the concept? How well does it address the clinical means for improving the candidate measures and potential unintended consequences of implementing the measures and using them to inform, gauge, and reward improvement? How well does it address the likely impact of improvements in these measures on the provider industry?

5. Potential for the concept to be implemented and evaluated (5 points): Concepts, and the measures and systems derived from them, must have the potential to be implemented and used in at least some types of treatment programs or other settings once all relevant research gaps have been addressed. Is it within the realm of possibility that these concepts, measures, or quality improvement systems could be implemented in at least some organizations once all of the research gaps have been addressed? How useful would the measures be to patients and payers making purchasing decisions? How reasonable is the plan for how the measures and systems could be evaluated and improved once implemented?

6. Quality of the research agenda (5 points): How well does the research agenda describe the gaps in the relevant areas of science that need to be addressed for this novel quality measurement and management concept to be achieved and implemented? Does the agenda describe a logical, feasible

plan and timeframe for addressing those gaps?

Scores from each criterion will be weighted equally. The score for each submission will be the sum of the scores from each of the 5 voting judges, for a maximum of 150 points. NIH reserves the right to make an award to submissions scoring less than 150 points if NIH deems any sufficiently meritorious. All submissions will be held until after the deadline is reached for a simultaneous judging process. NIH reserves the right to disqualify and remove any submission that is deemed, in the judging panel’s discretion, inappropriate, offensive, defamatory, or demeaning.

The evaluation process will begin by anonymizing and removing those that are not responsive to this Challenge or not in compliance with all rules of eligibility. Submissions that are responsive and in compliance may then undergo a review by NIH program staff with expertise in the relevant areas of science. These program staff would be asked to comment specifically on the soundness of the scientific basis for the project, the likelihood that any scientific advances needed for the concept to meet fruition are within the realm of possibility, and the quality of the research agenda, all as they relate to the program official’s area of expertise. Judges will examine all responsive and compliant submissions, as well comments from program staff, if any, and score the entries in accordance with the judging criteria outlined above. Judges will meet to discuss the most meritorious submissions. Final recommendations will be determined by a vote of the judges.

### Challenge Judges

Director, National Institute on Drug Abuse—Ex Officio

Deputy Director, Center for Clinical Trials Network, National Institute on Drug Abuse

Acting Director, Division of Epidemiology, Services, and Prevention Research, National Institute on Drug Abuse

Chief, Science Policy Branch, Office of Science Policy and Communication, National Institute on Drug Abuse

Program Officer, Behavioral and Integrative Treatment Branch (BITB), Division of Clinical Neuroscience and Behavioral Research, National Institute of Drug Abuse

Program Director for Health Services Research, Division of Treatment and Recovery Research, National Institute on Alcohol Abuse and Alcoholism

**Additional Information (References)**

1. Eddy, 1998. "Performance Measurement: Problems and Solutions." *Health Affairs* 17(4): 7–25.
2. Institute of Medicine, 1999. *Measuring the Quality of Health Care: A Statement by the National Roundtable on Health Care Quality*. Washington, DC: National Academy Press.
3. Institute of Medicine (US) Committee on Crossing the Quality Chasm Adaptation to Mental Health and Addictive Disorders, 2006. *Improving Quality of Health Care for Mental and Substance-Use Conditions*. Washington, DC: National Academies Press.
4. Fisher et al., 2011. "Building a Path to Accountable Care", *New England Journal of Medicine* 365:2445–2447.
5. McClellan, 2011. "Reforming Payments to Healthcare Providers: The Key to Slowing Healthcare Cost Growth while Improving Quality?" *The Journal of Economic Perspectives* 25(2): 69–92.
6. Donabedian A, 1980. *Explorations in Quality Assessment and Monitoring: The Definition of Quality and Approaches to its Assessment*. Ann Arbor, MI. Health Administration Press.
7. Garnick DW, et al., 2002. "Establishing the Feasibility of Performance Measures for Alcohol and Other Drugs." *Journal of Substance Abuse Treatment* 23(4):375–385.
8. Garnick, DW, et al., 2011. "Lessons from Five States: Public Sector Use of the Washington Circle Performance Measures." *Journal of Substance Abuse Treatment*. 40(3):241–254.
9. National Committee on Quality Assurance, 2013. *Improving Quality and Patient Experience: The State of Health Care Quality 2013*. Washington, DC.
10. Harris, AHS, et al., 2012. Longer LOS is Not Associated with Better Outcomes in VHA's Substance Abuse Residential Rehabilitation Treatment Programs. *Journal of Behavioral Health Services Research* 39(1): 68–79.

Dated: January 5, 2015.

**Nora D. Volkow,**

*Director, National Institute on Drug Abuse, National Institutes of Health.*

[FR Doc. 2015–00394 Filed 1–13–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; AREA: Oncological Sciences Grant Applications.

*Date:* January 29, 2015.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Sally A Mulhern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–5877, [mulherns@csr.nih.gov](mailto:mulherns@csr.nih.gov).

*Name of Committee:* Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Medical Imaging Study Section.

*Date:* February 5–6, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

*Contact Person:* Xiang-Ning Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, [lixiang@csr.nih.gov](mailto:lixiang@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Membrane Biophysics.

*Date:* February 5–6, 2015.

*Time:* 2:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, [rادتک@csr.nih.gov](mailto:rادتک@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Hypertension and Microcirculation.

*Date:* February 6, 2015.

*Time:* 10:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Katherine M Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, [Katherine\\_Malinda@csr.nih.gov](mailto:Katherine_Malinda@csr.nih.gov).

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated

Review Group; Molecular Neuropharmacology and Signaling Study Section.

*Date:* February 9–10, 2015.

*Time:* 8:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

*Contact Person:* Deborah L Lewis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–408–9129, [lewisdeb@csr.nih.gov](mailto:lewisdeb@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Macromolecular Structure and Function B.

*Date:* February 9–10, 2015.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* David R Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 437–7927, [jollieda@csr.nih.gov](mailto:jollieda@csr.nih.gov).

*Name of Committee:* Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiological Basis of Mental Disorders and Addictions Study Section.

*Date:* February 11–12, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites—Baltimore, 222 St. Paul Place, Baltimore, MD 20120.

*Contact Person:* Boris P Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, [bsokolov@csr.nih.gov](mailto:bsokolov@csr.nih.gov).

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Dissemination and Implementation Research in Health Study Section.

*Date:* February 11, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Martha L Hare, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 451–8504, [harem@mail.nih.gov](mailto:harem@mail.nih.gov).

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.

*Date:* February 11, 2015.

*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:* Martha Garcia, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, Bethesda, MD 20892, 301-435-1243, [garciamc@nih.gov](mailto:garciamc@nih.gov).

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Modeling and Analysis of Biological Systems Study Section.

*Date:* February 11–12, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA 94102.

*Contact Person:* Craig Giroux, Ph.D., Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301-435-2204, [girouxncn@csr.nih.gov](mailto:girouxncn@csr.nih.gov).

*Name of Committee:* Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Surgery, Anesthesiology and Trauma Study Section.

*Date:* February 11–12, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Marines' Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

*Contact Person:* Weihua Luo, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435-1170, [luow@csr.nih.gov](mailto:luow@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Nephrology.

*Date:* February 11–12, 2015.

*Time:* 8:00 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, (Virtual Meeting).

*Contact Person:* Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301-435-1198, [sahaia@csr.nih.gov](mailto:sahaia@csr.nih.gov).

*Name of Committee:* Cell Biology Integrated Review Group; Development—1 Study Section.

*Date:* February 11, 2015.

*Time:* 9:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Jonathan Arias, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301-435-2406, [ariasj@csr.nih.gov](mailto:ariasj@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR13-137: Bioengineering Research.

*Date:* February 11, 2015.

*Time:* 4:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

*Contact Person:* Yvonne Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301-379-3793, [bennetty@csr.nih.gov](mailto:bennetty@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Non HIV Microbial Vaccines and Countermeasures.

*Date:* February 12, 2015.

*Time:* 8:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

*Contact Person:* Andrea Keane-Myers, BS, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, Bethesda, MD 20892, 301-435-1221, [andrea.keane-myers@nih.gov](mailto:andrea.keane-myers@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 8, 2015.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-00347 Filed 1-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; 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 Mental Health Initial Review Group; Interventions Committee for Disorders Involving Children and Their Families.

*Date:* February 9, 2015.

*Time:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Marcy Ellen Burstein, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892-9606, 301-443-9699, [bursteinme@mail.nih.gov](mailto:bursteinme@mail.nih.gov).

*Name of Committee:* National Institute of Mental Health Initial Review Group; Interventions Committee for Adult Disorders.

*Date:* February 10, 2015.

*Time:* 11:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* David I. Sommers, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892-9606, 301-443-7861, [dsommers@mail.nih.gov](mailto:dsommers@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: January 8, 2015.

**Carolyn A. Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-00346 Filed 1-13-15; 8:45 am]

**BILLING CODE 4140-01-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 Neuroendocrinology, Neuroimmunology, Rhythms and Sleep Study Section, February 05, 2015, 08:00 a.m. to February 06, 2015, 06:00 p.m., JW Marriott New Orleans, 614 Canal Street, New Orleans, LA, 70130 which was published in the **Federal Register** on January 02, 2015, 80 FR 42.

The meeting location has changed to the Renaissance New Orleans Pere Marquette Hotel, 817 Common Street, New Orleans, LA, 70112. The meeting date and time remain the same. The meeting is closed to the public.

Dated: January 8, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-00345 Filed 1-13-15; 8:45 am]

**BILLING CODE 4140-01-P**



## DEPARTMENT OF HOMELAND SECURITY

### Agency Information Collection Activities: Case Assistance Form (Ombudsman Form DHS-7001 and Instructions)

**AGENCY:** Office of the Citizenship and Immigration Services Ombudsman, DHS.

**ACTION:** 30-Day Notice and request for comments; Extension without change of a currently approved collection, 1601-0004.

**SUMMARY:** The Department of Homeland Security, Office of the Citizenship and Immigration Services Ombudsman, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). DHS previously published this information collection request (ICR) in the **Federal Register** on Friday, October 17, 2014 at 79 FR 62450 for a 60-day public comment period. No comments were received by DHS. The purpose of this notice is to allow additional 30-days for public comments.

**DATES:** Comments are encouraged and will be accepted until February 13, 2015. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-5806.

**SUPPLEMENTARY INFORMATION:** The Citizenship and Immigration Services (CIS) Ombudsman was created under section 452 of the Homeland Security Act of 2002 (Pub. L. 107-296) to: (1) Assist individuals and employers in resolving problems with the U.S. Citizenship and Immigration Services (USCIS); (2) to identify areas in which individuals and employers have problems in dealing with USCIS; and (3) to the extent possible, propose changes in the administrative practices of USCIS to mitigate problems. This form is used by an applicant who is experiencing problems with USCIS during the processing of an immigration benefit.

The information collected on this form will allow the CIS Ombudsman to identify the problem such as: (1) A case problem which is a request for information about a case that was filed

with USCIS ("case problem"); or (2) the identification of a systemic issue that may or may not pertain to an individual case which the individual, attorney or employer is seeking to bring to the attention of the CIS Ombudsman ("trend"). For case problems, the CIS Ombudsman will refer case specific issues to the Customer Assistance Office for USCIS for further research, and review.

For trends received, the CIS Ombudsman notes the systemic issue identified in the correspondence which may or may not be incorporated into future recommendations submitted to the Director of USCIS pursuant to section 452(d)(4) of Public Law 107-296.

The use of this form provides the most efficient means for collecting and processing the required data. The CIS Ombudsman is now employing the use of information technology in collecting and processing information by offering the option for electronic submission of the DHS Form 7001 through the Ombudsman Case Assistance Online System. Per PRA requirements, a fillable PDF version of the form is provided on the Ombudsman's Web site. The PDF form can be completed online, printed out and sent to the Ombudsman's office at the address indicated on the form. It is noted on the form that using the paper method can result in significant processing delays for the Ombudsman's office to provide the requested case assistance. After approval of the changes to form detailed in this supporting statement, the online form will be updated and posted on the Ombudsman's Web site at <http://www.dhs.gov/case-assistance> for electronic online submission of the form.

The assurance of confidentiality provided to the respondents for this information collection is provided by: (a) The CIS Ombudsman statute and mandate as established by Homeland Security Act Section 452; (b) the Privacy Impact Assessment for the Office of the Citizenship and Immigration Services Ombudsman (CISOMB) Virtual Ombudsman System (March 19, 2010) and the (c) Systems of Records Notice: 9110-9B Department of Homeland Security, Office of the Secretary [Docket No. DHS-2009-0146] Privacy Act of 1974; Department of Homeland Security Citizenship and Immigration Services Ombudsman—001 Online Ombudsman Form DHS-7001 System of Records. The DHS Privacy Office will receive the entire package of documents for this information collection to assure authorization for renewal of the collection.

The CISOMB Form DHS-7001 and the Online Ombudsman Form DHS-7001 system is constructed in compliance with all applicable DHS Privacy Office, DHS CIO, DHS Records Management, and OMB regulations regarding data collection, use, storage, and retrieval. The proposed public use data collection system is therefore intended to be distributed for public use primarily by electronic means with limited paper distribution and processing of paper forms.

The CISOMB Form DHS-7001 (PDF) and the Online Ombudsman Form DHS-7001 (Ombudsman Case Assistance Online System) has been constructed in compliance with regulations and authorities under the purview of the DHS Privacy Office, DHS CIO, DHS Records Management, and OMB regulations regarding data collection, use, sharing, storage, information security and retrieval of information.

In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to renew the Department of Homeland Security system of records notice titled, "Department of Homeland Security Citizenship and Immigration Services Ombudsman—001 Online Ombudsman Form DHS-7001 and Ombudsman Case Assistance Online System of Records." This system of records will continue to ensure the efficient and secure processing of information to aid the Citizenship and Immigration Services Ombudsman in providing assistance to individuals, employers, and their representatives in resolving problems with U.S. Citizenship and Immigration Services; identify areas in which individuals, employers, and their representatives have problems working with U.S. Citizenship and Immigration Services; and to the extent possible, propose changes to mitigate problems pursuant to 6 U.S.C. 272. This system will continue to be included in the Department of Homeland Security's inventory of record systems.

There has been an increase of 6,200 in the estimated annual burden hours previously reported for this information collection. The increase in burden hours is a reflection of agency estimates. There is no change in the information being collected, however there have been cosmetic changes to the form including punctuation, formatting, sequencing of information, and text changes to make the form more understandable and streamlined for use by respondents. The number of response fields has been reduced from 13 to 12 and arranged in a way that streamlines completion, submission and processing of the form.



The title of the form has changed from "Case Problem Submission Worksheet (CIS Ombudsman Form DHS-7001)" to "Case Assistance Form (Ombudsman Form DHS-7001)". The name of the system has changed from "Virtual Ombudsman System" to "Ombudsman Case Assistance Online". The following narrative explains the changes made on the form and the corresponding instructions:

The Original 7001 form had the sections arranged in the following order:

- 1—Name: Please identify the individual or employer encountering difficulties with USCIS (applicant/beneficiary/petitioner).
  - 2—Contact Information: Please provide information on the individual or employer encountering difficulties with USCIS (applicant/beneficiary/petitioner).
  - 3—Date of Birth.
  - 4—Country of Birth and Citizenship.
  - 5—Alien Registration Number (A-Number); The A-number appears in the following format: A123-456-789.
  - 6—Person Preparing This Form: Please indicate who is completing this form.
  - 7—Applications/Petitions Filed: List all applications and/or petitions pending with USCIS related to your case inquiry.
  - 8—Type of Immigration Benefit: Please provide the type of immigration benefit sought from USCIS.
  - 9—Reason for Inquiry: Please indicate if any of the options apply. Provide a description in section 10.
  - 10—Description: Describe the difficulties experienced with USCIS. Attach additional pages if needed.
  - 11—Prior Actions Taken: Check all that apply: Please describe the response USCIS provided and attach any relevant correspondence.
  - 12—Consent: If you are the beneficiary of an immigration petition, consent of the individual who submitted the petition on your behalf is required. The petitioner must sign.
  - 13—Attorney or Accredited Representative: Please complete this section if you are an attorney, a representative of an organization, an accredited representative, or anyone else preparing this form on behalf of the individual or employer encountering difficulties with USCIS.
- The Amended 7001 has the sections arranged in the following order:
1. Name: Please identify the name of the individual or employer (applicant/beneficiary/petitioner) encountering or difficulties with USCIS. Do not enter the attorney/law firm's name here.
  2. Date of Birth: Country of Birth: Country of Citizenship:

3. Alien Registration Number (A-Number); The A-number appears in the following format: A123-456-789.

4. Contact Information: Please provide the contact information of the individual or employer (applicant/beneficiary/petitioner) encountering difficulties with USCIS. Please include the primary E-Mail address for the Ombudsman to provide updates.

5. Applications/Petitions Filed: List all applications and/or petitions pending with USCIS related to your case inquiry.

6. Type of Immigration Benefit Sought: Please provide the type of immigration benefit sought from USCIS.

7. Reason for Inquiry/Case Assistance Request: Check all that apply. Provide a description in section 8 and add documentation related to your inquiry.

8. Description of your Case Problem: Describe the difficulties experienced with USCIS including all responses USCIS provided. Attach relevant correspondence concerning actions taken to resolve the issue before submitting with the Ombudsman's Office including: Receipt notices; requests for evidence; decisions; notices and any other correspondence from USCIS about your case. Attach additional pages if needed.

9. Prior Actions Taken to Remedy the Problem: Check all that apply and provide the additional information requested for each selection in the space provided. Note that if selecting Option a "Visited USCIS My Case Status at [www.uscis.gov](http://www.uscis.gov)", you must indicate what additional actions (b through g) were taken to remedy the problem before submitting the form to the Ombudsman

a. Visited USCIS My Case Status at [www.uscis.gov](http://www.uscis.gov) and

b. Contacted the National Customer Service Center (NCSC) for information and/or assistance regarding this case at their toll-free number 1-800-375-5283. Provide SRMT Number:

c. Attended an InfoPass Appointment with USCIS.

Provide InfoPass Number:

d. Sent an Email to USCIS. Provide date email sent: Provide USCIS Email address:

e. Contacted a U.S. Government Department or Agency for assistance. Provide name and contact information:

f. Contacted a U.S. Congressional Representative for assistance. Provide name and contact information:

g. Other. Please describe.

10. Person Preparing This Form: Please indicate who is completing this form.

11. Attorney or Accredited Representative: Please complete this section if you are an attorney, a

representative of an organization, an accredited representative, or anyone else preparing this form on behalf of the individual or employer encountering difficulties with USCIS. Please attach copy of your Form G-28

12. Consent: Please note that if you are the beneficiary of an immigration petition, consent of the individual or employer that submitted the petition on your behalf is required. The petitioner must sign.

The instructions have been updated to reflect the electronic submission options as detailed in the previous paragraphs.

Instructions for electronic submission will be posted on the CIS Ombudsman Web site at [www.dhs.gov/cisombudsman](http://www.dhs.gov/cisombudsman). The electronic version of the form will be developed by DHS OCIO (Office of the Chief Information Officer) based upon the approved version of the amended 7001 as described herein.

There is no change in the terms of clearance from the previously approved collection have been addressed by updates to the: (a) Privacy Impact Assessment for the Office of the Citizenship & Immigration Services Ombudsman (CISOMB) Virtual Ombudsman System (March 19, 2010); and the (b) Systems of Records Notice: 9110-9B Department of Homeland Security, Office of the Secretary [Docket No. DHS-2009-0146] Privacy Act of 1974; Department of Homeland Security Citizenship and Immigration Services Ombudsman—001 Virtual Ombudsman System (March 2010) to reflect the name change to Online Ombudsman Form DHS-7001 System of Records.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**Analysis**

*Agency:* Office of the Citizenship and Immigration Services Ombudsman, DHS.

*Title:* Case Assistance Form (Ombudsman Form DHS-7001 and Instructions).

*OMB Number:* 1601-0004.

*Frequency:* Annually.

*Affected Public:* Individuals or household.

*Number of Respondents:* 8,800.

*Estimated Time per Respondent:* 1 hour.

*Total Burden Hours:* 8,800.

Dated: January 5, 2015.

**Carlene C. Iletto,**

*Executive Director, Enterprise Business Management Office.*

[FR Doc. 2015-00404 Filed 1-13-15; 8:45 am]

**BILLING CODE 9110-9B-P**

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2014-0077]

### The Critical Infrastructure Partnership Advisory Council

**AGENCY:** National Protection and Programs Directorate, DHS.

**ACTION:** Notice of renewal of the Critical Infrastructure Partnership Advisory Council Charter.

**SUMMARY:** The Department of Homeland Security (DHS) announced the establishment of the Critical Infrastructure Partnership Advisory Council (CIPAC) in a **Federal Register** Notice (71 FR 14930-14933) dated March 24, 2006, which identified the purpose of CIPAC, as well as its membership. This notice provides the revised charter signed by Secretary Jeh Johnson on December 7, 2014.

**FOR FURTHER INFORMATION CONTACT:** Renee Murphy, Designated Federal Officer, Critical Infrastructure Partnership Advisory Council, Sector Outreach and Programs Division, Office of Infrastructure Protection, National Protection and Programs Directorate, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0607, Arlington, VA 20598-0607; telephone: (703) 603-5083; email: [CIPAC@dhs.gov](mailto:CIPAC@dhs.gov).  
*Responsible DHS Official:* Renee Murphy, Designated Federal Officer for the CIPAC.

**SUPPLEMENTARY INFORMATION:** *Notice of CIPAC Charter Revisions:* The Secretary of Homeland Security extended the CIPAC Charter on March 18, 2014 for a period of two years. This charter has now been revised to further clarify the participation by federally registered

lobbyists per the guidance released by the Office of Management and Budget in **Federal Register** Notice 79 FR 47482 released on August 13, 2014. The revised charter was signed by the Secretary of Homeland Security on December 7, 2014. The current CIPAC charter is available on the CIPAC Web site (<http://www.dhs.gov/cipac>).

*Purpose and Activity:* The CIPAC facilitates interaction between government officials and representatives of the community of owners and/or operators for each of the critical infrastructure sectors defined by Presidential Policy Directive 21 and identified in *National Infrastructure Protection Plan 2013: Partnering for Critical Infrastructure Security and Resilience* (NIPP 2013). The scope of activities covered by the CIPAC includes: Planning; coordinating among government and critical infrastructure owner and operator security partners; implementing security program initiatives; conducting operational activities related to critical infrastructure protection security measures, incident response, recovery, and infrastructure resilience; reconstituting critical infrastructure assets and systems for both manmade and naturally occurring events; and sharing threat, vulnerability, risk mitigation, and infrastructure continuity information.

*Organizational Structure:* The NIPP 2013 organizes the critical infrastructure community into 16 critical infrastructure sectors. Each of these sectors has a Government Coordinating Council (GCC) whose membership includes: (i) A lead Federal agency that is defined as the Sector-Specific Agency; (ii) all relevant Federal, State, local, tribal, and/or territorial government agencies (or their representative bodies) whose mission interests also involve the scope of the CIPAC activities for that particular sector; and (iii) a Sector Coordinating Council (SCC) whose membership includes critical infrastructure owners and/or operators or their representative trade associations.

*CIPAC Membership:* CIPAC Membership may include:

(i) Critical Infrastructure (CI) owner and operator members of a DHS-recognized Sector SCC, including their representative trade associations or equivalent organization members of an SCC as determined by the SCC.

(ii) Federal, State, local, and tribal governmental entities comprising the members of the GCC for each sector, including their representative organizations; members of the State, Local, Tribal, and Territorial

Government Coordinating Council; and representatives of other Federal agencies with responsibility for CI activities.

CIPAC membership is organizational. Multiple individuals may participate in CIPAC activities on behalf of a member organization.

Dated: January 7, 2015.

**Renee Murphy,**

*Designated Federal Officer for the CIPAC.*

[FR Doc. 2015-00405 Filed 1-13-15; 8:45 am]

**BILLING CODE 9110-9P-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[CIS No. 2550-14; DHS Docket No. USCIS-2007-0028]

RIN 1615-ZB36

### Extension of the Designation of El Salvador for Temporary Protected Status

#### Correction

In notice document 2015-00031 beginning on page 893 in the issue of Wednesday, January 7, make the following correction:

On page 893, in the third column, in the 7th line, "March 9, 2015March 9, 2015" should read "March 9, 2015".

[FR Doc. C1-2015-00031 Filed 1-13-15; 8:45 am]

**BILLING CODE 1505-01-D**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5654-N-02]

### Section 8 Housing Assistance Programs Proposed Management and Occupancy Review Schedule

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

**ACTION:** Notice.

**SUMMARY:** Through this notice, FHA solicits comment from interested members of the public on HUD's proposed Management and Occupancy Review (MOR) schedule for the seven project-based Section 8 programs administered by the Office of Multifamily Housing. This proposed schedule will reduce the frequency of unnecessary MORs, thereby minimizing interruptions in property operations created by onsite reviews, preserving staff time, and reducing costs. The proposed schedule ties the project's annual MOR rating with HUD's new

risk-based asset management model rating to determine the frequency of a project's MOR. This proposed schedule is being published for comment concurrently with a proposed rule, found elsewhere in today's **Federal Register**, proposing to amend the program regulations to follow this MOR schedule or any subsequent MOR schedule published by HUD in the **Federal Register**.

**DATES:** *Comment Due Date.* March 16, 2015.

**ADDRESSES:** Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, 451 7th Street SW., Room 10276, Department of Housing and Urban Development, Washington, DC 20410-0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit comments, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the [www.regulations.gov](http://www.regulations.gov) Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

*No Facsimile Comments.* Facsimile (FAX) comments are not acceptable.

*Public Inspection of Public Comments.* All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. Eastern Time weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance

appointment to review the public comments must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Relay Service at 800-877-8339. Copies of all comments submitted are available for inspection and downloading at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** For information about management and occupancy reviews contact Lauryn Alleva, Program Administration Office, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410-7000; telephone number 202-708-3730 (this is not a toll-free number). Hearing- and speech-impaired persons may access these numbers through TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) authorizes one of HUD's primary programs for providing rental housing assistance (Section 8). The purpose of Section 8 is to provide low-income families with decent, safe, and sanitary rental housing. There are seven project-based Section 8 Housing Assistance Payments (HAP) programs administered by the Office of Multifamily Housing: the HAP program for New Construction (24 CFR part 880) and the HAP program for Substantial Rehabilitation (24 CFR part 881), which provide rental assistance in connection with the development of newly constructed or substantially rehabilitated privately owned rental housing; the HAP Program for State Housing Agencies (24 CFR part 883); the HAP program for New Construction financed under Section 515 of the Housing Act of 1949 (24 CFR part 884), which applies to U.S. Department of Agriculture rural rental housing projects; the Loan Management Set Aside Program (24 CFR part 886, subpart A), which provides rental subsidies to HUD-insured or HUD-held multifamily properties experiencing immediate or potential financial difficulties; the Housing Assistance Program for the Disposition of HUD-Owned Projects (24 CFR part 886, subpart C), which provides Section 8 assistance in connection with the sale of HUD-owned multifamily rental housing projects and the foreclosure of HUD-held mortgages on rental housing projects; and the Section 202/8 Program (24 CFR part 891, subpart E), which

provides assistance for housing projects serving elderly or families and individuals with disabilities.

Under the Section 8 project-based program, HUD may enter into an annual contributions contract (ACC) with a public housing agency (PHA) through which HUD commits to provide the agency with funds to make housing assistance payments to a project owner. The PHA, acting as a contract administrator, then enters into a HAP contract with the owner. In certain circumstances HUD may act as the contract administrator, whereby HUD will directly enter into a HAP contract with an owner.

Contract administrators in the above-listed Section 8 programs are responsible for assessing the management and oversight of housing projects and for ensuring that owners comply with the requirements of the HAP contract. To assess an owner's compliance with the terms and conditions of its HAP contract, contract administrators are required under the terms of their ACCs to conduct MORs. Completion of MORs can require Contract administrators to visit the site and can cause interruption in project operations. The Contract administrator spends approximately 8 hours of staff time and additional resources to review every project. HUD has found that over the last three years projects have been rated "Above Average" or "Superior" 35 percent of the time, "Satisfactory" 57 percent of the time, and "Below Average" or "Unsatisfactory" eight percent of the time. A full or limited review of all projects, including those that consistently receive high ratings, puts a strain on HUD and project resources.

A proposed rule found elsewhere in today's **Federal Register** proposes to revise the regulations that govern MORs for Section 8 HAP projects to provide consistency across programs and allow HUD the flexibility to set a schedule that is more in-line with the needs of the programs. Reducing the frequency of MORs for these properties would result in fewer interruptions in project operations and would allow HUD to focus its staff and resources on areas that require greater attention.

##### **II. This Notice**

This notice proposes to require MORs of projects on a schedule that is based on both the project's annual MOR rating and HUD's risk-based asset management model. The purpose of the MOR is to establish the quality of management at HUD subsidized projects, and to verify the project's compliance with the terms of the HAP Contract, any HUD

Regulatory Agreement, and the Management Agreement and Management Plan, as applicable. The project's annual MOR rating, provided by the Contract administrator, assists HUD in its assessment of the project's risk of failure. Over the past two years, HUD has implemented a risk-based asset management model that incorporates the evaluation of both qualitative and quantitative elements into a comprehensive property level rating. The risk rating model helps HUD prioritize resources by identifying the risk of a project and the allocation of human capital to riskier assets. This rating translates to a classification of Troubled, Potentially Troubled, or Not Troubled (hereafter referred to as the risk classification).

The proposed Section 8 Housing Assistance Payments Program MOR schedule will use this new risk-based

classification in combination with the previous MOR score to determine the future schedule of MORs for all Section 8 projects in the Office of Multifamily Housing's portfolio. HUD has found that when a project is performing well, risk of failure is lower. Additionally, the Office of Multifamily Housing has found that many of the properties receiving assistance under its Section 8 Housing Assistance Payments program receive high marks on the MOR annually indicating that conducting MORs annually is not necessary to mitigate risk at these properties. Using this new MORs schedule, HUD may focus staff and resources on projects that warrant greater attention.

The schedule will be as follows: (1) Projects with a *Below Average* or *Unsatisfactory* score on the last MOR and a risk classification of *Troubled*, *Potentially Troubled*, or *Not Troubled*,

must have a MOR within 12 months of the last MOR conducted at the project. (2) Projects with a *Satisfactory* score on the last MOR and a risk classification of *Troubled* or *Potentially Troubled*, must have a MOR within 24 months of the last MOR conducted at the project. Additionally, projects with an *Above Average* or *Superior* score on the last MOR and a risk classification of *Troubled*, must have a MOR within 24 months of the last MOR conducted at the project. (3) Projects with a *Satisfactory* score on the last MOR and a risk classification of *Not Troubled*, must have a MOR within 36 months of the last MOR conducted at the project. Additionally, projects with an *Above Average* or *Superior* score on the last MOR and a risk classification of *Potentially Troubled* or *Not Troubled*, must have a MOR within 36 months of the last MOR conducted at the project.

	Last MOR: Unsatisfactory	Last MOR: Below average	Last MOR: Satisfactory	Last MOR: Above average	Last MOR: Superior
Risk Classification: Troubled .....	Within 12 months	Within 12 months	Within 24 months	Within 24 months	Within 24 months.
Risk Classification: Potentially Troubled ....	Within 12 months	Within 12 months	Within 24 months	Within 36 months	Within 36 months.
Risk Classification: Not Troubled .....	Within 12 months	Within 12 months	Within 36 months	Within 36 months	Within 36 months.

This notice does not restrict HUD or the Contract Administrator from conducting additional MORs outside of this schedule pursuant to existing and future administrative guidelines.

### III. Findings and Certifications

#### *Paperwork Reduction Act*

The information collection requirements for this notice has been approved by the Office of Management and Budget (OMB) under the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0178. The collection requirement will be amended to reflect this notice's reduced burden. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

This notice would amend the frequency of the Management and Occupancy Review (MOR) schedule for the seven project-based Section 8 programs listed-above. The collection title is, "Management Reviews of Multifamily Housing Programs" and the current burden is 8 hours for each of the 24,366 annual reviews, 194,928 total burden hours. This notice is estimated to reduce the burden in the existing information collection requirement as follows:

#### REPORTING AND RECORDKEEPING BURDEN

Information collection	Number of respondents	Number of annual responses	Estimated average time for requirement (hours)	Estimated total burden (hours)
<i>Current:</i> 2102–0178 .....	24,366	24,366	8.00	194,928
<i>Proposed:</i> 2102–0178 .....	21,680	6,598	8.00	52,781
Percentage of Burden Change .....	Estimated net reduction of burden			73%

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning this collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility.

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information.

(3) Enhance the quality, utility, and clarity of the information to be collected.

(4) Minimize the burden of the collection of information on those who

are to respond; including through the use of appropriate automated collection techniques or other forms of information technology (e.g., by permitting electronic submission of responses).

Interested persons are invited to submit comments regarding the information collection requirements in this rule. Comments must refer to the proposed rule by name and docket

number (FR-5654-P-01) and must be sent to:

HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Fax number: 202-395-6947

and

Reports Liaison Officer, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 9128, Washington, DC 20410.

Interested persons may submit comments regarding the information collection requirements electronically through the Federal eRulemaking Portal at <http://www.regulations.gov>. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the <http://www.regulations.gov> Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

#### *Environmental Review*

This notice provides operating instructions and procedures in connection with activities under provisions of Section 8 project-based assistance program regulations that have been the subject of a required environmental review. Accordingly, under 24 CFR 50.19(c)(4), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: December 11, 2014.

**Biniam Gebre,**

*Acting Assistant Secretary for Housing-Federal Housing Commissioner.*

[FR Doc. 2015-00353 Filed 1-13-15; 8:45 am]

**BILLING CODE 4210-67-P**

## **DEPARTMENT OF THE INTERIOR**

### **Office of the Secretary**

[ONRR-2012-0003; DS63600000 DR2PS0000.PX8000 156D0102R2]

### **U.S. Extractive Industries Transparency Initiative Multi-Stakeholder Group (USEITI MSG) Advisory Committee**

**AGENCY:** Office of Natural Resource Revenue, Interior.

#### **ACTION:** Meetings.

**SUMMARY:** This notice announces the next four meetings of the United States Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group (MSG) Advisory Committee.

**Dates and Times:** The four meetings in 2015 will occur on February 24–25, 2015; May 20–21, 2015; September 16–17, 2015; and December 15–16, 2015; in Washington, DC, from 9:30 a.m. to 5:00 p.m. Eastern Time, unless we indicate otherwise at [www.doi.gov/eiti/faca](http://www.doi.gov/eiti/faca), where we will post agendas, meeting logistics, and meeting materials prior to the meeting.

**ADDRESSES:** The meetings will be held in the North and South Penthouse of the Stewart Lee Udall Department of the Interior Building located at 1849 C Street NW., Washington, DC 20240. Members of the public may attend in person or view documents and presentations under discussion via WebEx at <http://bit.ly/1cR9W6t> and listen to the proceedings at telephone number 1-888-455-2910 and International Toll number 210-839-8953 (passcode: 7741096).

#### **FOR FURTHER INFORMATION CONTACT:**

Rosita Compton Christian, USEITI Secretariat; 1849 C Street NW., MS 4211; Washington, DC 20240. You may also contact the USEITI Secretariat via email at [useiti@ios.doi.gov](mailto:useiti@ios.doi.gov), by phone at 202-208-0272, or by fax at 202-513-0682.

**SUPPLEMENTARY INFORMATION:** The U.S. Department of the Interior established the USEITI Advisory Committee (Committee) on July 26, 2012, to serve as the USEITI multi-stakeholder group. More information about the Committee, including its charter, is available at [www.doi.gov/eiti/faca](http://www.doi.gov/eiti/faca).

**Meeting Agenda:** Agenda items for the February 24–25, 2015, meeting will include review, discussion, and agreement on the Independent Administrator's (IA) proposed revenue reporting template, the Data Collection and Reconciliation, and the Contextual Data Report Plans for the 2015 USEITI Report. The agenda for the May 20–21, 2015, meeting will include the review and discussion of the IA draft Reconciliation Report and discussion of the contextual information for the 2015 USEITI Report. The agenda for the September 16–17, 2015, meeting will include a review and discussion of the initial draft USEITI Report and determination of consistency with EITI requirements. The agenda for the December 15–16, 2015, meeting will include discussion and agreement on the final USEITI Report, drafting of the

annual work-plan to meet all EITI requirements, and planning for 2016. We will post the final agendas and materials for all meetings on the USEITI MSG Web site at [www.doi.gov/eiti/faca](http://www.doi.gov/eiti/faca). All Committee meetings are open to the public.

Whenever possible, we encourage those participating by telephone to gather in conference rooms in order to share teleconference lines. Please plan to dial into the meeting and/or log into WebEx at least 10–15 minutes prior to the scheduled start time in order to avoid possible technical difficulties. We will accommodate individuals with special needs whenever possible. If you require special assistance (such as an interpreter for the hearing impaired), please notify Interior staff in advance of the meeting at 202-208-0272 or via email at [useiti@ios.doi.gov](mailto:useiti@ios.doi.gov).

We will post the minutes from these proceedings on the USEITI MSG Web site at [www.doi.gov/eiti/faca](http://www.doi.gov/eiti/faca) and they will also be available for public inspection and copying at our office at the Stewart Lee Udall Department of the Interior Building in Washington, DC, by contacting Interior staff at [useiti@ios.doi.gov](mailto:useiti@ios.doi.gov) or by telephone at 202-208-0272. For more information on USEITI, visit [www.doi.gov/eiti](http://www.doi.gov/eiti).

Dated: December 18, 2014.

**Paul A. Mussenden,**

*Deputy Assistant Secretary—Natural Resource Revenue Management.*

[FR Doc. 2015-00508 Filed 1-13-15; 8:45 am]

**BILLING CODE 4335-30-P**

## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

[FWS-R4-ES-2014-N103; FXES11130400000C2-145-FF04E00000]

### **Endangered and Threatened Wildlife and Plants; Notice of Availability of a Technical/Agency Draft Recovery Plan for the Laurel Dace**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** We, the Fish and Wildlife Service, announce the availability of the technical/agency draft recovery plan for the endangered laurel dace, a small fish native to the Tennessee River Basin in Tennessee. The draft recovery plan includes specific recovery objectives and criteria to be met in order for us to downlist the species to threatened status or delist it under the Endangered Species Act of 1973, as amended (Act). We request review and comment on this

draft recovery plan from local, State, and Federal agencies, and the public.

**DATES:** In order to be considered, comments on the draft recovery plan must be received on or before March 16, 2015.

**ADDRESSES:** If you wish to review this technical/agency draft recovery plan, you may obtain a copy by contacting Geoff Call, U.S. Fish and Wildlife Service, Tennessee Field Office, 446 Neal Street, Cookeville, TN 38501; tel. (931) 525-4983, or by visiting either the Service's recovery plan Web site at <http://www.fws.gov/endangered/species/recovery-plans.html> or the Tennessee Field Office Web site at <http://www.fws.gov/cookeville>. If you wish to comment, you may submit your comments by one of the following methods:

1. You may submit written comments and materials to Geoff Call, at the above address.
2. You may hand-deliver written comments to our Tennessee Field Office, at the above address.
3. You may send comments by email to [geoff\\_call@fws.gov](mailto:geoff_call@fws.gov).

For additional information about submitting comments, see the "Request for Public Comments" section below.

**FOR FURTHER INFORMATION CONTACT:** Geoff Call (see **ADDRESSES**, above).

**SUPPLEMENTARY INFORMATION:**

**Introduction**

We listed the laurel dace (*Chrosomus saylora*) as an endangered species under the Act (16 U.S.C. 1531 *et seq.*) on August 9, 2011 (76 FR 48722), and designated critical habitat for the species on October 16, 2012 (77 FR 63604). The laurel dace is a small fish native to the Tennessee River Basin in Tennessee. Laurel dace are known from headwater tributaries. This fish, from the family Cyprinidae, is found or collected from pools or slow runs from undercut banks or under slab boulders. The vegetation surrounding the first or second order streams where laurel dace occur includes mountain laurel, rhododendron, and hemlocks.

Historically, laurel dace is known from seven streams, and it currently occupies six of these, persisting in three creek systems on the Walden Ridge of the Cumberland Plateau. Only a few individuals have been collected from headwaters of the two creek systems in the southern part of their range, Soddy and Sale Creeks, although laurel dace are more abundant in headwaters of the Piney River system in their northern range. Threats to the laurel dace include: Land use activities that affect silt levels, temperature, or hydrologic

processes of these small tributaries; invasive species, including sunfishes, basses, and hemlock woolly adelgid; the species' naturally small population size and geographic range; and climate change.

**Background**

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of our endangered species program. To help guide the recovery effort, we prepare recovery plans for most listed species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures.

The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires us to provide a public notice and an opportunity for public review and comment during recovery plan development. We will consider all information we receive during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

**Recovery Plan Specifics**

*Objectives for Reclassification and Delisting*

The goal for this recovery plan is to conserve and recover populations of laurel dace to the point that listing under the Act is no longer necessary, which will require the following objectives to be accomplished. Because recovery and delisting will be a long and potentially unachievable goal, an intermediate goal for this recovery plan is to recover the species to the point that it could be reclassified from endangered to threatened.

**Delisting**

In order to recover laurel dace to the point that listing under the Act is no longer necessary, it will be necessary to conserve all existing populations by maintaining, and in some cases restoring, suitable habitat conditions in all streams where the species currently occurs. It will also be necessary to discover or establish one additional population.

**Reclassification to Threatened**

Reclassification to threatened status will be possible when habitat conditions

in occupied streams are suitable for the conservation of the species, and viable populations are present throughout suitable habitat in five of the six currently occupied streams.

*Criteria for Reclassification From Endangered to Threatened or Delisting*

The following criteria will be used to determine whether the objectives for reclassification and delisting described above have been met. The criteria will be achieved by reducing or removing threats to the species' habitat and conserving or establishing viable populations throughout the species' range, as determined by monitoring of demographic and genetic parameters.

**Reclassification From Endangered to Threatened**

*Criterion 1:* Suitable instream habitat, flows, and water quality for laurel dace, as defined by Recovery Tasks 5.1 and 5.2, exist in occupied streams.

*Criterion 2:* Viable populations \* are present throughout suitable habitat in Bumbee, Moccasin, and Youngs Creeks, and at least two of the following streams: Soddy or Cupp Creek or Horn Branch.

**Delisting**

*Criterion 1:* Suitable instream habitat, flows, and water quality for laurel dace exist in all occupied streams, and mechanisms exist to ensure that land use activities (including road maintenance) in catchments of streams inhabited by laurel dace will be compatible with the species' conservation for the foreseeable future. Such mechanisms could include, but are not necessarily limited to, conservation agreements, conservation easements, land acquisition, and habitat conservation plans.

*Criterion 2:* Viable populations \* are present throughout suitable habitat in Bumbee, Moccasin, Youngs, Soddy, and Cupp Creeks and Horn Branch, and one additional viable population exists, either through reintroduction into Laurel Branch or discovery of an additional wild population.

\* Viability: Populations will be considered viable when the following demographic and genetic conditions exist:

- Demographics—Monitoring data demonstrate that (a) populations are stable or increasing, (b) two or more age-classes are consistently present over a period of time encompassing five generations (*i.e.*, 15 years), and (c) evidence of recruitment is not absent in more than three years or during consecutive years at any point within that period of time.

- Genetics—Populations will be considered to have sufficient genetic variation to be viable if measurements of observed number of alleles and estimates of heterozygosity and effective population size have remained stable or increased during the five generations used to establish demographic viability.

#### Request for Public Comments

We request written comments on the draft recovery plan. We will consider all comments we receive by the date specified in **DATES** prior to final approval of the plan.

#### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: December 3, 2014.

**Cynthia K. Dohner,**

*Regional Director, Southeast Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2015-00414 Filed 1-13-15; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF INTERIOR

### Bureau of Indian Affairs

[156A2100DD.AADD001000]

#### Request for Nominations of Members To Serve on the Bureau of Indian Education Advisory Board for Exceptional Children

**AGENCY:** Bureau of Indian Education, Interior.

**ACTION:** Notice of Request for Nominations.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act—Public Law 92-463, 5 United States Code, Appendix 2, Section 10 (a) (b); and the Individuals with Disabilities Education Act of 2004 (IDEA), (20 U.S.C. 1400 *et seq.*), the Bureau of Indian Education (BIE) requests nominations of individuals to serve on the Advisory Board for Exceptional Children (Advisory Board). There are six positions available. The BIE will consider nominations received

in response to this request for nominations, as well as other sources. The “Supplementary Information” section for this notice provides committee and membership criteria.

**DATES:** Please submit nominations by February 20, 2015.

**ADDRESSES:** Please submit nominations to Ms. Sue Bement, Designated Federal Officer (DFO), Bureau of Indian Education, Division of Performance and Accountability, 1011 Indian School Road NW., Suite 332, Albuquerque, New Mexico 87104, Telephone (505) 563-5274, or Fax to (505) 563-5281.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sue Bement, DFO, at the address and telephone number listed above.

**SUPPLEMENTARY INFORMATION:** The Advisory Board was established in accordance with the Federal Advisory Committee Act, Public Law 92-463. The following provides information about the Committee, the membership and the nomination process.

#### 1. Objective and Duties

(a) Members of the Advisory Board will provide guidance, advice and recommendations with respect to special education and related services for children with disabilities in BIE-funded schools in accordance with the requirements of IDEA;

(b) The Advisory Board will:

(1) Provide advice and recommendations for the coordination of services within the BIE and with other local, State and Federal agencies;

(2) Provide advice and recommendations on a broad range of policy issues dealing with the provision of educational services to American Indian children with disabilities;

(3) Serve as advocates for American Indian students with special education needs by providing advice and recommendations regarding best practices, effective program coordination strategies, and recommendations for improved educational programming;

(4) Provide advice and recommendations for the preparation of information required to be submitted to the Secretary of Education under 20 U.S.C. 1411 (h)(2);

(5) Provide advice and recommend policies concerning effective inter- and intra- agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra- agency programs and activities; and

(6) Will report and direct all correspondence to the Assistant Secretary—Indian Affairs through the Director, BIE with a courtesy copy to the DFO.

#### 2. Membership

(a) Pursuant to 20 U.S.C. 1411(h)(6), the Advisory Board will be composed of up to 15 individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities. The Advisory Board composition will reflect a broad range of viewpoints and will include at least one member representing each of the following interests: Indians with disabilities; teachers of children with disabilities; Indian parents or guardians of children with disabilities; service providers; state education officials; local education officials; state interagency coordinating councils (for states having Indian reservations); tribal representatives or tribal organization representatives; and other members representing the various divisions and entities of BIE.

(b) The Assistant Secretary—Indian Affairs may provide the Secretary of the Interior recommendations for the chairperson; however, the chairperson and other Advisory Board members will be appointed by the Secretary of the Interior. Advisory Board members shall serve staggered terms of two years or three years from the date of their appointment.

#### 3. Miscellaneous

(a) Members of the Advisory Board will not receive compensation, but will be reimbursed for travel, including subsistence, and other necessary expenses incurred in the performance of their duties in the same manner as persons employed intermittently in Government Service under 5 U.S.C. 5703.

(b) A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's spouse or minor children, unless authorized by the appropriate ethics official. Compensation from employment does not constitute a financial interest of the member so long as the matter before the committee will not have a special or distinct effect on the member or the member's employer, other than as part of a class. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.

(c) The Advisory Board meets at least twice a year, budget permitting. Additional meetings may be held as deemed necessary by the Assistant Secretary—Indian Affairs or the DFO.

(d) All Committee meetings are open to the public in accordance with the



Federal Advisory Committee Act regulations.

#### 4. Nomination Information

(a) Nominations are requested from individuals, organizations, and federally recognized tribes, as well as from State Directors of Special Education (within the 23 states in which BIE-funded schools are located) concerned with the education of Indian children with disabilities as described above.

(b) Nominees should have expertise and knowledge of the issues and/or needs of American Indian children with disabilities. Such knowledge and expertise are needed to provide advice and recommendations to BIE regarding the needs of American Indian children with disabilities.

(c) A summary of the candidates' qualifications (resume or curriculum vitae) must be included with the nomination application. Nominees must have the ability to attend Advisory Board meetings, carry out Advisory Board assignments, participate in teleconference calls, and work in groups.

(d) The Department of the Interior is committed to equal opportunity in the workplace and seeks diverse Committee membership, which is bound by Indian Preference Act of 1990 (25 U.S.C. 472).

#### 5. Basis for Nominations

If you wish to nominate someone for appointment to the Advisory Board, please do not make the nomination until the person has agreed to have his or her name submitted to the BIE for this purpose.

#### 6. Nomination Application

Please fill out this form completely and include a copy of the nominee's resume or curriculum vitae.

#### 7. Information Collection

This collection of information is authorized by OMB Control Number 1076-0179, "Solicitation of Nominations for the Advisory Board for Exceptional Children.

Dated: January 6, 2015.

**Kevin K. Washburn,**  
Assistant Secretary—Indian Affairs.

### BUREAU OF INDIAN EDUCATION ADVISORY BOARD FOR EXCEPTIONAL CHILDREN

#### MEMBERSHIP NOMINATION FORM

##### Nomination Information

A. Nominations are requested from individuals, organizations, and federally-recognized tribes, as well as from State Directors of Special Education (within the 23 states in which

BIE-funded schools are located) concerned with the education of Indian children with disabilities as described above.

B. Nominees should have expertise and knowledge of the issues and/or needs of American Indian children with disabilities. Such knowledge and expertise are needed to provide advice and recommendations to BIE regarding the needs of American Indian children with disabilities.

C. A summary of the candidate's qualifications (*resume or curriculum vitae*) must be included with the nomination application. Nominees must have the ability to: (1) Attend Advisory Board meetings; (2) carry out Advisory Board assignments; (3) participate in teleconference calls; and (4) work in groups.

D. The Department of the Interior is committed to equal opportunity in the workplace and seeks diverse Committee membership; however, the Department is bound by the Indian Preference Act of 1990 (25 U.S.C. 472).

##### Objective and Duties

A. The Advisory Board provides guidance, advice, and recommendations with respect to special education and related services for children with disabilities in BIE-funded schools in accordance with the requirements of IDEA.

B. The Advisory Board provides advice and recommendations for the coordination of services within BIE and with other local, State and Federal agencies.

C. The Advisory Board provides advice and recommendations on a broad range of policy issues dealing with the provision of educational services to American Indian children with disabilities.

D. The Advisory Board serves as an advocate for American Indian students with special education needs by providing advice and recommendations regarding best practices, effective program coordination strategies, and recommendations for improved educational programming.

E. The Advisory Board provides advice and recommendations for the preparation of information required to be submitted to the Secretary of Education.

F. The Advisory Board provides advice and recommends policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter and intra-agency programs and activities.

G. The Advisory Board reports and directs all correspondence to the

Assistant Secretary—Indian Affairs through the Director of the Bureau of Indian Education with a courtesy copy to the DFO.

##### Membership

A. The Advisory Board shall be composed of 15 members. The Assistant Secretary-Indian Affairs may provide the Secretary of the Interior recommendations for the Chairperson. However, all Advisory Board members will be appointed by the Secretary of the Interior as required. Advisory Board members shall serve staggered terms of two years or three years from the date of their appointment. The Secretary may remove members from the Advisory Board at any time at his/her discretion.

B. As required by IDEA, the Advisory Board will be composed of individuals involved in or concerned with the education and provision of services to Indian children with disabilities. The Advisory Board composition will reflect a broad range of viewpoints and will include at least one (1) member representing each of the following interests: Indian persons with disabilities; teachers of children with disabilities; Indian parents or guardians of children with disabilities; service providers; State education officials; local education officials; State interagency coordinating councils (for states having Indian reservations); tribal representatives or tribal organization representatives; and, BIE employees concerned with the education of children with disabilities.

C. Members of the Advisory Board will not receive compensation, but will be reimbursed for travel, including subsistence and other necessary expenses incurred in the performance of their duties consistent with the provisions of 5 U.S.C. 5703.

D. A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's spouse or minor children, unless authorized by the DFO. Compensation from employment does not constitute a financial interest of the member so long as the matter before the committee will not have a special or distinct effect on the member or the member's employer, other than as part of a class. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.

E. The Advisory Board meets at least twice a year, budget permitting. Additional meetings may be held as deemed necessary by the Assistant Secretary or the DFO.

**BILLING CODE 4310-6W-P**



**COMMITTEE MEMBERSHIP NOMINATION FORM**

***Note:** Please fill out form completely. Additional pages may be added for further explanation of any item. Reference the corresponding item number for which the additional explanation is made.*

1. Full Name:			
2. Mailing Address:	3. City:	4. State:	5. Zip Code:
6. Primary Contact Telephone Number:  (     )	7. Secondary Contact Telephone Number:  (     )		
8. Place of Employment:			
9. Work Address:	10. City:	11. State:	12. Zip Code:
13. Employment Title:			
14. Work Telefax Number:  (     )	15. E-mail address:		

**Note to Review Committee:** Prior to submitting this nomination application, the above named individual must be contacted regarding appointment to the Advisory Board. Do not make a nomination until this person has been contacted and agreed to have his/her name submitted to the Bureau of Indian Education.

**16. If appointed, this person will represent one of the following categories (check all applicable):**

- ☐ Indian persons with disabilities
- ☐ Teachers of children with disabilities
- ☐ Indian parents or guardians of children with disabilities
- ☐ Service providers
- ☐ State Education Officials
- ☐ Local Education Officials
- ☐ State Interagency Coordinating Councils (for states having Indian reservations)
- ☐ Tribal representatives or tribal organization representatives
- ☐ Bureau employees concerned with the education of children with disabilities

**17. What role would you recommend this nominee serve?**

- ☐ Advisory Board Chairperson
- ☐ Advisory Board Member

**18. Nominee's experience with Bureau-funded schools (check all applicable):**

- ☐ BIE Day School
- ☐ BIE Boarding School
- ☐ Off-Reservation Boarding School
- ☐ Tribal Contract School
- ☐ Tribal Grant School
- ☐ Cooperative School

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**19. Provide information highlighting experiences related to the education of Indian infants, toddlers, children and youths with disabilities. Include time frames of experience or employment, position titles, location of employment or organization involvement and a brief description of duties. (Attach additional pages if necessary.)**

**20. Provide a list of membership or affiliations with professional education organizations, particularly special education organizations. Identify organization offices held, if applicable. (Attach additional pages, if necessary.)**

**21. Identify special interests, activities, awards (professional, educational and community) related to the education of disabled Indian children (infants, toddlers, children and/or youths). (Attach additional pages if necessary.)**

**22. Nominee recommended by:**

Name of Indian tribe, organization, individual (include position title) making nomination:		
Address of Indian tribe, organization, individual making nomination:		
City:	State:	Zip Code:
Signature of Authorizing Official:		
Date of Signature:	Telephone (Area code + Number):	Telefax (Area code + Number):

**DEADLINE:** Submit nomination applications on or before January 20, 2014.

**ADDRESS:** Please submit nomination applications to Ms. Sue Bement, Designated Federal Officer, Bureau of Indian Education, Division of Performance and Accountability, 1011 Indian School Road., NW, Suite 332, Albuquerque, New Mexico 87104.

**CONTACT:** For further information, contact Ms. Sue Bement, DFO, Division of Performance and Accountability, at the above listed address or call (505) 563-5274 or send an email to [sue.bement@bie.edu](mailto:sue.bement@bie.edu).

**PAPERWORK REDUCTION ACT STATEMENT:** This information is being collected to select individuals to serve on a Federal advisory committee known as the Advisory Board for Exceptional Children. Response to this request is required to obtain a benefit. You are not required to respond to this collection of information unless it displays a currently valid OMB control number. This information will be used to determine the eligibility and the ranking of the nominee. Public reporting burden for this form is estimated to average 1 hour per response,

including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer – Indian Affairs, Department of the Interior, 1849 C Street, NW, MS-3642 MIB, Washington, DC 20240.

[FR Doc. 2015–00512 Filed 1–13–15; 8:45 am]

BILLING CODE 4310–6W–C

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLES 912 000 L1430 0000 PN0000]

#### Bureau of Land Management's Eastern States Office Relocating; Limited Access to Public Room During Move

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management's Eastern States Office will move to a new location and close access to its Public Room from January 14, 2015 to January 23, 2015. Some services and limited access to records will be available at the new location from January 26, 2015 through March 2, 2015. Updates regarding records access will be posted on the Eastern States Web site at <http://www.blm.gov/es/st/en.html>.

**DATES:** The relocation will occur on January 15, 2015.

**ADDRESSES:** The new office location is 20 M Street SE., Washington, DC 20003.

**FOR FURTHER INFORMATION CONTACT:** Monique McDonald-Harris, Deputy State Director for Business Resources, (202) 912–7750; email to: [m1mcdona@blm.gov](mailto:m1mcdona@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** Mail sent via the U.S. Postal Service addressed to the BLM Eastern States office's old address, 7450 Boston Blvd., Springfield, Virginia, will be forwarded to 20 M Street SE., Washington, DC 20003.

**John F. Ruhs,**  
State Director.

[FR Doc. 2015–00455 Filed 1–13–15; 8:45 am]

BILLING CODE 4310–GJ–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[15X.LLID9570000.L14400000.BJ0000.241A.4500075726]

#### Filing of Plats of Survey; Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of filing of plats of surveys.

**SUMMARY:** The Bureau of Land Management (BLM) has officially filed the plats of survey of the lands described below in the BLM Idaho State Office, Boise, Idaho, effective 9:00 a.m., on the dates specified.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho, 83709–1657.

**SUPPLEMENTARY INFORMATION:** This survey were executed at the request of the Bureau of Land Management to meet their administrative needs. The lands surveyed are:

The supplemental plat was prepared to show new tracts 38–46, in unsurveyed section 11, T. 48 N., R. 2 E., Boise Meridian, Idaho, Group Number 1411, was accepted December 29, 2014.

This survey was executed at the request of the USDA Natural Resources Conservation Service to meet their administrative needs. The lands surveyed are:

The plat represents the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 9, 15, 16, 22, 23, and 26, and metes-and-bounds surveys in sections 9, 16, and 26, Township 4 North, Range 25 East, Boise Meridian, Idaho, Group Number 1395, was accepted November 25, 2014.

These surveys were executed at the request of the Bureau of Indian Affairs to meet certain administrative and management purposes. The lands surveyed are:

The plat representing the dependent resurvey of portions of the north boundary, subdivisional lines, and the subdivision of sections 2 and 3, and a survey of the 2012–2013 meanders of the full-pool line of the Portneuf Reservoir in section 2 and 3, Township 6 South, Range 38 East, of the Boise

Meridian, Idaho, Group Number 1383, was accepted November 19, 2014.

The plat representing the dependent resurvey of portions of the north boundary, subdivisional lines, and subdivision of section 4, Township 32 North, Range 1 East, of the Boise Meridian, Idaho, Group Number 1401, was accepted December 10, 2014.

**Stanley G. French,**  
Chief Cadastral Surveyor for Idaho.

[FR Doc. 2015–00415 Filed 1–13–15; 8:45 am]

BILLING CODE 4310–GG–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLOR957000–L63100000–HD0000–15XL1116AF: HAG15–0060]

#### Filing of Plats of Survey: Oregon/ Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

#### Willamette Meridian

##### Oregon

T. 30 S., R. 8 W., accepted November 7, 2014

T. 20 S., R. 7 W., accepted November 18, 2014

T. 19 S., R. 5 W., accepted November 18, 2014

**ADDRESSES:** A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 SW. 3rd Avenue, Portland, Oregon 97204, upon required payment.

**FOR FURTHER INFORMATION CONTACT:** Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 1220 SW. 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message

or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. 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.

**Mary J.M. Hartel,**

*Chief Cadastral Surveyor of Oregon/  
Washington.*

[FR Doc. 2015-00413 Filed 1-13-15; 8:45 am]

**BILLING CODE 4310-33-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNV952000 L14400000.BJ0000  
LXSSF2210000.241A; 13-08807; MO#  
4500075689; TAS: 15X1109]

### Filing of Plats of Survey; NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

**DATES:** *Effective Dates:* Unless otherwise stated filing is effective at 10:00 a.m. on the dates indicated below.

**FOR FURTHER INFORMATION CONTACT:** Michael O. Harmening, Chief, Branch of Geographic Sciences, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502-7147, phone: 775-861-6490. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above

individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

### SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on October 14, 2014:

The plat, in 1 sheet, representing the dependent resurvey of the east boundary, a portion of the west boundary, the north boundary and a portion of the subdivisional lines, Township 26 North, Range 49 East, Mount Diablo Meridian, Nevada, under Group No. 919, was accepted October 10, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

2. The Plat of Survey of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on December 19, 2014:

The plat, in 2 sheets, representing the dependent resurvey of a portion of the east boundary and a portion of the subdivisional lines, and a metes-and-bounds survey in section 13, Township 15 North, Range 64 East, of the Mount Diablo Meridian, Nevada, under Group No. 927, was accepted December 17, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

3. The Plat of Survey of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on December 19, 2014:

The plat, in 4 sheets, representing the dependent resurvey of the Third Standard Parallel North through a portion of Range 65 East, a portion of the west boundary and a portion of the subdivisional lines, and the corrective dependent resurvey of a portion of the subdivisional lines, the subdivision of section 7, and metes-and-bounds surveys in sections 3, 7 and 18, Township 15 North, Range 65 East, of the Mount Diablo Meridian, Nevada, under Group No. 927, was accepted December 17, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

4. The Plat of Survey of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on November 7, 2014:

The plat, in 6 sheets, representing the dependent resurvey of a portion of the south and west boundaries, a portion of the subdivisional lines and a portion of the subdivision of section 18, and a

metes-and-bounds survey of a line 30 feet easterly and parallel with the apparent centerline of a portion of Cave Valley road, through sections 18, 19, 30 and 31, and a metes-and-bounds survey of a line 30 feet southerly and parallel with the apparent centerline of an unimproved dirt road and a portion of the westerly right-of-way line of Highway Nos. 6, 50 and 93, through a portion of section 34, Township 15 North, Range 64 East, of the Mount Diablo Meridian, Nevada, under Group No. 928, was accepted October 31, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management to affect the transfer of Federal Lands to the State of Nevada, as directed by Public Law 109-432.

5. The Plat of Survey of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on November 7, 2014:

The plat, in 1 sheet, representing the dependent resurvey of the First Standard Parallel North through a portion of Range 40 East, as portion of the subdivisional lines and a portion of Mineral Survey No. 4414, Township 6 North, Range 40 East, of the Mount Diablo Meridian, Nevada, under Group No. 932, was accepted November 5, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

The surveys listed above are now the basic record for describing the lands for all authorized purposes. These records have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: January 6, 2015.

**Michael O. Harmening,**  
*Chief Cadastral Surveyor, Nevada.*

[FR Doc. 2015-00426 Filed 1-13-15; 8:45 am]

**BILLING CODE 4310-HC-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[145A2100DD/A0T500000.000000/  
AAK3000000]

### Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the current list of 566 tribal entities

recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. The list is updated from the notice published on January 29, 2014 (79 FR 4748).

**FOR FURTHER INFORMATION CONTACT:**

Laurel Iron Cloud, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 4513–MIB, 1849 C Street NW., Washington, DC 20240. Telephone number: (202) 513–7641.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103–454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8. Published below is a list of federally acknowledged tribes in the contiguous 48 states and Alaska.

Amendments to the list include name changes and name corrections. To aid in identifying tribal name changes and corrections, the tribe's previously listed or former name is included in parentheses after the correct current tribal name. We will continue to list the tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed Indian entities are acknowledged to have the immunities and privileges available to federally recognized Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: January 8, 2015.

**Kevin K. Washburn,**  
*Assistant Secretary—Indian Affairs.*

**INDIAN TRIBAL ENTITIES WITHIN THE CONTIGUOUS 48 STATES RECOGNIZED AND ELIGIBLE TO RECEIVE SERVICES FROM THE UNITED STATES BUREAU OF INDIAN AFFAIRS**

Absentee-Shawnee Tribe of Indians of Oklahoma  
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California  
Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona  
Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas)

Alabama-Quassarte Tribal Town  
Alturas Indian Rancheria, California  
Apache Tribe of Oklahoma  
Arapaho Tribe of the Wind River Reservation, Wyoming  
Aroostook Band of Micmacs (previously listed as the Aroostook Band of Micmac Indians)  
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana  
Augustine Band of Cahuilla Indians, California (previously listed as the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation)  
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin  
Bay Mills Indian Community, Michigan  
Bear River Band of the Rohnerville Rancheria, California  
Berry Creek Rancheria of Maidu Indians of California  
Big Lagoon Rancheria, California  
Big Pine Paiute Tribe of the Owens Valley (previously listed as the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California)  
Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California)  
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California  
Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California)  
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana  
Blue Lake Rancheria, California  
Bridgeport Indian Colony (previously listed as the Bridgeport Paiute Indian Colony of California)  
Buena Vista Rancheria of Me-Wuk Indians of California  
Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon)  
Cabazon Band of Mission Indians, California  
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California  
Caddo Nation of Oklahoma  
Cahto Tribe of the Laytonville Rancheria  
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California  
California Valley Miwok Tribe, California  
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California  
Capitan Grande Band of Diegueno Mission Indians of California: (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band

of Mission Indians of the Viejas Reservation, California)  
Catawba Indian Nation (aka Catawba Tribe of South Carolina)  
Cayuga Nation  
Cedarville Rancheria, California  
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California  
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California  
Cherokee Nation  
Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma)  
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota  
Chicken Ranch Rancheria of Me-Wuk Indians of California  
Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana)  
Chitimacha Tribe of Louisiana  
Citizen Potawatomi Nation, Oklahoma  
Cloverdale Rancheria of Pomo Indians of California  
Cocopah Tribe of Arizona  
Coeur D'Alene Tribe (previously listed as the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho)  
Cold Springs Rancheria of Mono Indians of California  
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California  
Comanche Nation, Oklahoma  
Confederated Salish and Kootenai Tribes of the Flathead Reservation  
Confederated Tribes and Bands of the Yakama Nation  
Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation)  
Confederated Tribes of the Chehalis Reservation  
Confederated Tribes of the Colville Reservation  
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians  
Confederated Tribes of the Goshute Reservation, Nevada and Utah  
Confederated Tribes of the Grand Ronde Community of Oregon  
Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon)  
Confederated Tribes of the Warm Springs Reservation of Oregon  
Coquille Indian Tribe (previously listed as the Coquille Tribe of Oregon)  
Cortina Indian Rancheria (previously listed as the Cortina Indian Rancheria of Wintun Indians of California)  
Coushatta Tribe of Louisiana

- Cow Creek Band of Umpqua Tribe of Indians (previously listed as the Cow Creek Band of Umpqua Indians of Oregon)
- Cowlitz Indian Tribe
- Coyote Valley Band of Pomo Indians of California
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Crow Tribe of Montana
- Death Valley Timbi-sha Shoshone Tribe (previously listed as the Death Valley Timbi-Sha Shoshone Band of California)
- Delaware Nation, Oklahoma
- Delaware Tribe of Indians
- Dry Creek Rancheria Band of Pomo Indians, California (previously listed as the Dry Creek Rancheria of Pomo Indians of California)
- Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
- Eastern Band of Cherokee Indians
- Eastern Shawnee Tribe of Oklahoma
- Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
- Elk Valley Rancheria, California
- Ely Shoshone Tribe of Nevada
- Enterprise Rancheria of Maidu Indians of California
- Ewiiapaayp Band of Kumeyaay Indians, California
- Federated Indians of Graton Rancheria, California
- Flandreau Santee Sioux Tribe of South Dakota
- Forest County Potawatomi Community, Wisconsin
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
- Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
- Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
- Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
- Fort McDowell Yavapai Nation, Arizona
- Fort Mojave Indian Tribe of Arizona, California & Nevada
- Fort Sill Apache Tribe of Oklahoma
- Gila River Indian Community of the Gila River Indian Reservation, Arizona
- Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
- Greenville Rancheria (previously listed as the Greenville Rancheria of Maidu Indians of California)
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
- Guidiville Rancheria of California
- Habematolet Pomo of Upper Lake, California
- Hannahville Indian Community, Michigan
- Havasupai Tribe of the Havasupai Reservation, Arizona
- Ho-Chunk Nation of Wisconsin
- Hoh Indian Tribe (previously listed as the Hoh Indian Tribe of the Hoh Indian Reservation, Washington)
- Hoopa Valley Tribe, California
- Hopi Tribe of Arizona
- Hopland Band of Pomo Indians, California (formerly Hopland Band of Pomo Indians of the Hopland Rancheria, California)
- Houlton Band of Maliseet Indians
- Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
- Iipay Nation of Santa Ysabel, California (previously listed as the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation)
- Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
- Ione Band of Miwok Indians of California
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California)
- Jamestown S'Klallam Tribe
- Jamul Indian Village of California
- Jena Band of Choctaw Indians
- Jicarilla Apache Nation, New Mexico
- Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
- Kalispel Indian Community of the Kalispel Reservation
- Karuk Tribe (previously listed as the Karuk Tribe of California)
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
- Kaw Nation, Oklahoma
- Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo)
- Keweenaw Bay Indian Community, Michigan
- Kialagee Tribal Town
- Kickapoo Traditional Tribe of Texas
- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Kiowa Indian Tribe of Oklahoma
- Klamath Tribes
- Koi Nation of Northern California (previously listed as the Lower Lake Rancheria, California)
- Kootenai Tribe of Idaho
- La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation)
- La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
- Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
- Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
- Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
- Little River Band of Ottawa Indians, Michigan
- Little Traverse Bay Bands of Odawa Indians, Michigan
- Lone Pine Paiute-Shoshone Tribe (previously listed as the Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California)
- Los Coyotes Band of Cahuilla and Cupeno Indians, California (previously listed as the Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation)
- Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington)
- Lower Sioux Indian Community in the State of Minnesota
- Lummi Tribe of the Lummi Reservation
- Lytton Rancheria of California
- Makah Indian Tribe of the Makah Indian Reservation
- Manchester Band of Pomo Indians of the Manchester Rancheria, California (previously listed as the Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California)
- Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
- Mashantucket Pequot Indian Tribe (previously listed as the Mashantucket Pequot Tribe of Connecticut)
- Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.)
- Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
- Mechoopda Indian Tribe of Chico Rancheria, California
- Menominee Indian Tribe of Wisconsin
- Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Miami Tribe of Oklahoma
- Miccosukee Tribe of Indians
- Middletown Rancheria of Pomo Indians of California
- Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
- Mississippi Band of Choctaw Indians



- Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
- Mohegan Tribe of Indians of Connecticut (previously listed as Mohegan Indian Tribe of Connecticut)
- Mooretown Rancheria of Maidu Indians of California
- Morongo Band of Mission Indians, California (previously listed as the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation)
- Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington)
- Narragansett Indian Tribe
- Navajo Nation, Arizona, New Mexico & Utah
- Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho)
- Nisqually Indian Tribe (previously listed as the Nisqually Indian Tribe of the Nisqually Reservation, Washington)
- Nooksack Indian Tribe
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
- Northfork Rancheria of Mono Indians of California
- Northwestern Band of Shoshoni Nation (previously listed as the Northwestern Band of Shoshoni Nation of Utah (Washakie))
- Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.)
- Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota)
- Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan)
- Omaha Tribe of Nebraska
- Oneida Nation of New York
- Oneida Tribe of Indians of Wisconsin
- Onondaga Nation
- Otoe-Missouria Tribe of Indians, Oklahoma
- Ottawa Tribe of Oklahoma
- Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes))
- Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
- Pala Band of Luiseno Mission Indians of the Pala Reservation, California
- Pascua Yaqui Tribe of Arizona
- Paskenta Band of Nomlaki Indians of California
- Passamaquoddy Tribe
- Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
- Pawnee Nation of Oklahoma
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
- Penobscot Nation (previously listed as the Penobscot Tribe of Maine)
- Peoria Tribe of Indians of Oklahoma
- Picayune Rancheria of Chukchansi Indians of California
- Pinoleville Pomo Nation, California (previously listed as the Pinoleville Rancheria of Pomo Indians of California)
- Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancheries)
- Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama)
- Pokagon Band of Potawatomi Indians, Michigan and Indiana
- Ponca Tribe of Indians of Oklahoma
- Ponca Tribe of Nebraska
- Port Gamble S'Klallam Tribe (previously listed as the Port Gamble Band of S'Klallam Indians)
- Potter Valley Tribe, California
- Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas)
- Prairie Island Indian Community in the State of Minnesota
- Pueblo of Acoma, New Mexico
- Pueblo of Cochiti, New Mexico
- Pueblo of Isleta, New Mexico
- Pueblo of Jemez, New Mexico
- Pueblo of Laguna, New Mexico
- Pueblo of Nambe, New Mexico
- Pueblo of Picuris, New Mexico
- Pueblo of Pojoaque, New Mexico
- Pueblo of San Felipe, New Mexico
- Pueblo of San Ildefonso, New Mexico
- Pueblo of Sandia, New Mexico
- Pueblo of Santa Ana, New Mexico
- Pueblo of Santa Clara, New Mexico
- Pueblo of Taos, New Mexico
- Pueblo of Tesuque, New Mexico
- Pueblo of Zia, New Mexico
- Puyallup Tribe of the Puyallup Reservation
- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
- Quartz Valley Indian Community of the Quartz Valley Reservation of California
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Quileute Tribe of the Quileute Reservation
- Quinault Indian Nation (previously listed as the Quinault Tribe of the Quinault Reservation, Washington)
- Ramona Band of Cahuilla, California (previously listed as the Ramona Band or Village of Cahuilla Mission Indians of California)
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Red Lake Band of Chippewa Indians, Minnesota
- Redding Rancheria, California
- Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California (previously listed as the Redwood Valley Rancheria of Pomo Indians of California)
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, California
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
- Robinson Rancheria (previously listed as the Robinson Rancheria Band of Pomo Indians, California and the Robinson Rancheria of Pomo Indians of California)
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
- Round Valley Indian Tribes, Round Valley Reservation, California (previously listed as the Round Valley Indian Tribes of the Round Valley Reservation, California)
- Sac & Fox Nation of Missouri in Kansas and Nebraska
- Sac & Fox Nation, Oklahoma
- Sac & Fox Tribe of the Mississippi in Iowa
- Saginaw Chippewa Indian Tribe of Michigan
- Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York)
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington)
- San Carlos Apache Tribe of the San Carlos Reservation, Arizona
- San Juan Southern Paiute Tribe of Arizona
- San Manuel Band of Mission Indians, California (previously listed as the San Manuel Band of Serrano Mission Indians of the San Manuel Reservation)
- San Pasqual Band of Diegueno Mission Indians of California
- Santa Rosa Band of Cahuilla Indians, California (previously listed as the Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation)
- Santa Rosa Indian Community of the Santa Rosa Rancheria, California
- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
- Santee Sioux Nation, Nebraska
- Sauk-Suiattle Indian Tribe
- Sault Ste. Marie Tribe of Chippewa Indians, Michigan
- Scotts Valley Band of Pomo Indians of California

- Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations))
- Seneca Nation of Indians (previously listed as the Seneca Nation of New York)
- Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma)
- Shakopee Mdewakanton Sioux Community of Minnesota
- Shawnee Tribe
- Sherwood Valley Rancheria of Pomo Indians of California
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
- Shinnecock Indian Nation
- Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as the Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington)
- Shoshone Tribe of the Wind River Reservation, Wyoming
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
- Skokomish Indian Tribe (previously listed as the Skokomish Indian Tribe of the Skokomish Reservation, Washington)
- Skull Valley Band of Goshute Indians of Utah
- Smith River Rancheria, California
- Snoqualmie Indian Tribe (previously listed as the Snoqualmie Tribe, Washington)
- Soboba Band of Luiseno Indians, California
- Sokaogon Chippewa Community, Wisconsin
- Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
- Spirit Lake Tribe, North Dakota
- Spokane Tribe of the Spokane Reservation
- Squaxin Island Tribe of the Squaxin Island Reservation
- St. Croix Chippewa Indians of Wisconsin
- Standing Rock Sioux Tribe of North & South Dakota
- Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington)
- Stockbridge Munsee Community, Wisconsin
- Summit Lake Paiute Tribe of Nevada
- Suquamish Indian Tribe of the Port Madison Reservation
- Susanville Indian Rancheria, California
- Swinomish Indian Tribal Community (previously listed as the Swinomish Indians of the Swinomish Reservation of Washington)
- Sycuan Band of the Kumeyaay Nation
- Table Mountain Rancheria of California
- Tejon Indian Tribe
- Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)
- The Chickasaw Nation
- The Choctaw Nation of Oklahoma
- The Modoc Tribe of Oklahoma
- The Muscogee (Creek) Nation
- The Osage Nation (previously listed as the Osage Tribe)
- The Quapaw Tribe of Indians
- The Seminole Nation of Oklahoma
- Thlopthlocco Tribal Town
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Tohono O'odham Nation of Arizona
- Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York)
- Tonkawa Tribe of Indians of Oklahoma
- Tonto Apache Tribe of Arizona
- Torres Martinez Desert Cahuilla Indians, California (previously listed as the Torres-Martinez Band of Cahuilla Mission Indians of California)
- Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington)
- Tule River Indian Tribe of the Tule River Reservation, California
- Tunica-Biloxi Indian Tribe
- Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Tuscarora Nation
- Twenty-Nine Palms Band of Mission Indians of California
- United Auburn Indian Community of the Auburn Rancheria of California
- United Keetoowah Band of Cherokee Indians in Oklahoma
- Upper Sioux Community, Minnesota
- Upper Skagit Indian Tribe
- Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
- Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
- Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
- Walker River Paiute Tribe of the Walker River Reservation, Nevada
- Wampanoag Tribe of Gay Head (Aquinnah)
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
- White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
- Wilton Rancheria, California
- Winnebago Tribe of Nebraska
- Winnemucca Indian Colony of Nevada
- Wiyot Tribe, California (previously listed as the Table Bluff Reservation—Wiyot Tribe)
- Wyandotte Nation
- Yankton Sioux Tribe of South Dakota
- Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
- Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona)
- Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
- Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California)
- Yomba Shoshone Tribe of the Yomba Reservation, Nevada
- Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas)
- Yurok Tribe of the Yurok Reservation, California
- Zuni Tribe of the Zuni Reservation, New Mexico

**NATIVE ENTITIES WITHIN THE  
STATE OF ALASKA RECOGNIZED  
AND ELIGIBLE TO RECEIVE  
SERVICES FROM THE UNITED  
STATES BUREAU OF INDIAN  
AFFAIRS**

- Agdaagux Tribe of King Cove
- Akiachak Native Community
- Akiak Native Community
- Alatna Village
- Algaaciq Native Village (St. Mary's)
- Allakaket Village
- Angoon Community Association
- Anvik Village
- Arctic Village (See Native Village of Venetie Tribal Government)
- Asa'carsarmiut Tribe
- Atkasuk Village (Atkasook)
- Beaver Village
- Birch Creek Tribe
- Central Council of the Tlingit & Haida Indian Tribes
- Chalkyitsik Village
- Cheesh-Na Tribe (previously listed as the Native Village of Chistochina)
- Chevak Native Village
- Chickaloon Native Village
- Chignik Bay Tribal Council (previously listed as the Native Village of Chignik)
- Chignik Lake Village
- Chilkat Indian Village (Klukwan)
- Chilkoot Indian Association (Haines)
- Chinik Eskimo Community (Golovin)
- Chuloonawick Native Village
- Circle Native Community
- Craig Tribal Association (previously listed as the Craig Community Association)
- Curyung Tribal Council
- Douglas Indian Association

Egegik Village	Native Village of Hooper Bay	Native Village of Wales
Eklutna Native Village	Native Village of Kanatak	Native Village of White Mountain
Emmonak Village	Native Village of Karluk	Nenana Native Association
Evansville Village (aka Bettles Field)	Native Village of Kiana	New Koliganek Village Council
Galena Village (aka Loudon Village)	Native Village of Kipnuk	New Stuyahok Village
Gulkana Village	Native Village of Kivalina	Newhalen Village
Healy Lake Village	Native Village of Kluti Kaah (aka Copper Center)	Newtok Village
Holy Cross Village	Native Village of Kobuk	Nikolai Village
Hoonah Indian Association	Native Village of Kongiganak	Ninilchik Village
Hughes Village	Native Village of Kotzebue	Nome Eskimo Community
Huslia Village	Native Village of Koyuk	Nondalton Village
Hydaburg Cooperative Association	Native Village of Kwigillingok	Noorvik Native Community
Igiugig Village	Native Village of Kwinhagak (aka Quinhagak)	Northway Village
Inupiat Community of the Arctic Slope	Native Village of Larsen Bay	Nulato Village
Iqurmuut Traditional Council	Native Village of Marshall (aka Fortuna Ledge)	Nunakauyarmiut Tribe
Ivanoff Bay Village	Native Village of Mary's Igloo	Organized Village of Grayling (aka Holikachuk)
Kaguyak Village	Native Village of Mekoryuk	Organized Village of Kake
Kaktovik Village (aka Barter Island)	Native Village of Minto	Organized Village of Kasaan
Kasigluk Traditional Elders Council	Native Village of Nanwalek (aka English Bay)	Organized Village of Kwethluk
Kenaitze Indian Tribe	Native Village of Napaimute	Organized Village of Saxman
Ketchikan Indian Corporation	Native Village of Napakiak	Orutsararmiut Traditional Native Council (previously listed as Orutsararmiut Native Village (aka Bethel))
King Island Native Community	Native Village of Napaskiak	Oscarville Traditional Village
King Salmon Tribe	Native Village of Nelson Lagoon	Pauloff Harbor Village
Klawock Cooperative Association	Native Village of Nightmute	Pedro Bay Village
Knik Tribe	Native Village of Nikolski	Petersburg Indian Association
Kokhanok Village	Native Village of Noatak	Pilot Station Traditional Village
Koyukuk Native Village	Native Village of Nuiqsut (aka Nooiksut)	Platinum Traditional Village
Levelock Village	Native Village of Nunam Iqua (previously listed as the Native Village of Sheldon's Point)	Portage Creek Village (aka Ohgksenakale)
Lime Village	Native Village of Nunapitchuk	Pribilof Islands Aleut Communities of St. Paul & St. George Islands
Manley Hot Springs Village	Native Village of Old Harbor (previously listed as Village of Old Harbor)	Qagan Tayagungin Tribe of Sand Point Village
Manokotak Village	Native Village of Ouzinkie	Qawalangin Tribe of Unalaska
McGrath Native Village	Native Village of Paimiut	Rampart Village
Mentasta Traditional Council	Native Village of Perryville	Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Metlakatla Indian Community, Annette Island Reserve	Native Village of Pilot Point	Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Naknek Native Village	Native Village of Pitka's Point	Seldovia Village Tribe
Native Village of Afognak	Native Village of Point Hope	Shageluk Native Village
Native Village of Akhiok	Native Village of Point Lay	Sitka Tribe of Alaska
Native Village of Akutan	Native Village of Port Graham	Skagway Village
Native Village of Aleknagik	Native Village of Port Heiden	South Naknek Village
Native Village of Ambler	Native Village of Port Lions	Stebbins Community Association
Native Village of Atka	Native Village of Ruby	Sun'aq Tribe of Kodiak (previously listed as the Shoonak' Tribe of Kodiak)
Native Village of Barrow Inupiat Traditional Government	Native Village of Saint Michael	Takotna Village
Native Village of Belkofski	Native Village of Savoonga	Tangirnaq Native Village (formerly Lesnoi Village (aka Woody Island))
Native Village of Brevig Mission	Native Village of Scammon Bay	Telida Village
Native Village of Buckland	Native Village of Selawik	Traditional Village of Togiak
Native Village of Cantwell	Native Village of Shaktoolik	Tuluksak Native Community
Native Village of Chenega (aka Chanega)	Native Village of Shishmaref	Twin Hills Village
Native Village of Chignik Lagoon	Native Village of Shungnak	Ugashik Village
Native Village of Chitina	Native Village of Stevens	Umkumiut Native Village (previously listed as Umkumiute Native Village)
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)	Native Village of Tanacross	Village of Alakanuk
Native Village of Council	Native Village of Tanana	Village of Anaktuvuk Pass
Native Village of Deering	Native Village of Tatitlek	Village of Aniak
Native Village of Diomedea (aka Inalik)	Native Village of Tazlina	Village of Atmautluak
Native Village of Eagle	Native Village of Teller	Village of Bill Moore's Slough
Native Village of Eek	Native Village of Tetlin	Village of Cheforak
Native Village of Ekuk	Native Village of Tuntutuliak	
Native Village of Ekwo (previously listed as Ekwo Village)	Native Village of Tununak	
Native Village of Elim	Native Village of Tyonek	
Native Village of Eyak (Cordova)	Native Village of Unalakleet	
Native Village of False Pass	Native Village of Unga	
Native Village of Fort Yukon	Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)	
Native Village of Gakona		
Native Village of Gambell		
Native Village of Georgetown		
Native Village of Goodnews Bay		
Native Village of Hamilton		

Village of Clarks Point  
 Village of Crooked Creek  
 Village of Dot Lake  
 Village of Iliamna  
 Village of Kalskag  
 Village of Kaltag  
 Village of Kotlik  
 Village of Lower Kalskag  
 Village of Ohogamiut  
 Village of Old Harbor  
 Village of Red Devil  
 Village of Salamatoff  
 Village of Sleetmute  
 Village of Solomon  
 Village of Stony River  
 Village of Venetie (See Native Village of  
 Venetie Tribal Government)  
 Village of Wainwright  
 Wrangell Cooperative Association  
 Yakutat Tlingit Tribe  
 Yupiit of Andreafski

[FR Doc. 2015-00509 Filed 1-13-15; 8:45 am]

BILLING CODE 4310-4J-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCA930; CACA 032220]

#### Notice of Application for Withdrawal Extension and Opportunity for Public Meeting, California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting that the Secretary of the Interior extend the duration of the withdrawal created by Public Land Order (PLO) No. 7179 for an additional 20-year term. PLO No. 7179 withdrew 45 acres of National Forest System land from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, to protect the seismic integrity of the University of California—Berkeley Seismic Observatory located in Siskiyou County, California. The withdrawal created by PLO No. 7179 will expire on January 24, 2016, unless extended. This notice provides an opportunity to comment on the withdrawal extension application and to request a public meeting.

**DATES:** Comments and requests for a public meeting must be received by April 14, 2015.

**ADDRESSES:** Comments and requests for a public meeting must be sent to the California State Director, Bureau of Land Management, 2800 Cottage Way, W-1928, Sacramento, CA 95814.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Easley, BLM California State Office, 916-978-4673 or David Betz, Klamath National Forest Headquarters, 530-842-6131, during regular business hours: 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The USFS has filed an application requesting that the Secretary of the Interior extend PLO No. 7179 (61 FR 2137, January 25, 1996), which withdrew 45 acres of land in the Klamath National Forest, Siskiyou County, California, from location and entry under the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, for an additional 20-year term, subject to valid existing rights. PLO No. 7179 is incorporated herein by reference.

The purpose of the withdrawal is to protect the seismic integrity of a University of California—Berkeley Seismic Observatory.

The use of a right-of-way, interagency agreement, or cooperative agreement would not adequately constrain non-discretionary uses and would not provide adequate protection for the improvements located on the lands.

There are no suitable alternative sites with equal or greater benefit to the government.

No water rights are required to fulfill the purpose of the requested withdrawal extension.

Records relating to the application may be examined by contacting the BLM-California State Office, Public Room at the above address.

For a period until April 14, 2015, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the BLM California State Office at the address listed above. 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. If you are submitting comments as an individual you may request confidentiality by asking us in your comment to withhold your personal identifying information

from public review; however, we cannot guarantee that we will be able to do so.

Notice is also hereby given that the opportunity for a public meeting is afforded in connection with the withdrawal extension application. All interested parties who desire a public meeting on the withdrawal extension application must submit a written request to BLM California State Office at the address listed above by April 14, 2015. If it is determined that a public meeting will be held, a notice will be published to announce the time and place in the **Federal Register** and a local newspaper at least 30 days before the scheduled date of the meeting.

This withdrawal extension proposal will be processed in accordance with the applicable regulations set forth in 43 CFR 2310.4.

**Authority:** 43 CFR 2310.3-1.

**Sandra McGinnis,**

*Acting Associate Deputy State Director,  
 Natural Resources.*

[FR Doc. 2015-00420 Filed 1-13-15; 8:45 am]

BILLING CODE 4310-40-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNVL01000.L14300000.EU0000  
 LXSS122F0000 241A; N-87866; 12-08807;  
 MO#4500066682;TAS: 14X5232]

#### Notice of Realty Action: Competitive Sale of Public Lands (N-87866) in White Pine County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to offer by competitive sale, a 38.02-acre parcel of public land in White Pine County, NV, at no less than the appraised fair market value (FMV) of \$135,000. The sale will be subject to the applicable provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and applicable BLM land sale regulations.

**DATES:** Interested parties may submit written comments to the BLM at the address below. The BLM must receive your comments on or before March 2, 2015. The oral auction will be held on April 1, 2015, at 10:00 a.m., Pacific Standard Time at the Ely District Office, 702 North Industrial Way, Ely, NV 89301.

**ADDRESSES:** Send written comments concerning the proposed sale to the BLM Ely District Office, HC 33 Box

33500, or 702 North Industrial Way, Ely, NV 89301.

**FOR FURTHER INFORMATION CONTACT:** Paul Podborny, Schell Field Manager, at Ely District Office, 702 N. Industrial Way, Ely, NV 89301, or by telephone at 775-289-1800, or by email at [ppodborny@blm.gov](mailto:ppodborny@blm.gov); or Jill A. Moore, Egan Field Manager, by telephone at 775-289-1800, or by email at [jmoore@blm.gov](mailto:jmoore@blm.gov), or email at [http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM will conduct a competitive sale for a 38.02-acre parcel of public land located approximately one-quarter mile northwest of Ely, NV, in White Pine County NV.

#### Mount Diablo Meridian, Nevada

T. 16 N., R. 63 E.,  
Sec. 16, lot 4.

The area described contains 38.02 acres.

This tract of public land has been identified for disposal by the BLM in the Ely District Record of Decision and Approved Resource Management Plan (ROD/RMP), dated August 20, 2008, as referenced in the Lands and Realty objectives LR-11, page 67, and Appendix B, page B-4. Disposal of the Parcel will be conducted consistent with Section 203 of FLPMA and Public Law 109-432, the Tax Relief and Health Care Act of 2006, Title III—White Pine County Conservation, Recreation and Development Act (WPCCRDA), enacted on December 20, 2006. This parcel is among the 45,000 acres chosen for disposal in accordance with Public Law 109-432. The parcel is not required for any other Federal purposes, and its disposal would be in the public interest and meets the intent of the WPCCRDA.

The use of the competitive, oral-bid sale method is consistent with 43 CFR 2710.0-6. Under that provision, public land is being offered for sale utilizing competitive bidding procedures when the authorized officer determines there would be a number of interested parties bidding for the lands and lands are within a developing or urbanizing area and land values are increasing due to their location and interest on the competitive market. Competitive sale procedures: In accordance with 43 CFR

2711.3-1, oral bids may be made by a principal or a duly qualified agent. The highest qualifying oral bid received shall be publicly declared by the authorized officer. The person declared to have entered the highest qualifying bid shall submit payment by certified check, U.S. postal money order, bank draft or cashier's check made payable to the Department of the Interior—Bureau of Land Management for the amount not less than 20 percent of the amount of the bid immediately following the close of the sale. The successful bidder shall submit the full bid price prior to the expiration of 180 days from the date of the sale. Failure to submit the full bid price within the allotted time, shall result in cancellation of the sale of the specific parcel and the deposit shall be forfeited and disposed of as other receipts of sale. In the event the authorized officer rejects the highest qualified bid or releases the bidder from it, the authorized officer shall determine whether the public lands shall be withdrawn from the market or be reoffered.

The acceptance or rejection of any offer to purchase shall be in writing no later than 30 days after receipt of such offer unless the officer waives his right to a decision within such 30-day period.

Until the acceptance of the offer and payment of the purchase price, the bidder has no contractual or other rights against the United States, and no action taken shall create any contractual or other obligations of the United States.

The WPCCRDA (P.L. 109-432), section 311(h)(1), provides that Federal land described in subsection (a) of that Act is withdrawn from all forms of entry and appropriation under the public land laws and mining laws; all minerals will be retained by the Federal Government. A Mineral Potential Report was completed on June 7, 2013.

Upon publication of this Notice in the **Federal Register**, the described lands will be segregated from all forms of appropriation under the public land laws, including the mining laws, except for the sale provisions of FLPMA. Upon publication of this Notice and until completion of the sale, the BLM will no longer accept land use applications affecting the identified public lands, except applications for the amendment of previously filed right-of-way (ROW) applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregative effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or January 16, 2017, unless extended by the BLM State Director, Nevada, in

accordance with 43 CFR 2711.1-2(d) prior to the termination date.

Any conveyance document issued would be subject to the following terms, conditions, and reservations:

1. A reservation for any right-of-way thereon for ditches or canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);

2. All minerals, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe shall be reserved to the United States;

3. The parcel will be subject to all valid existing rights, including ROW N-55259 for an access road granted to Tom and Margaret Bath; and N-17924 for an overhead power line granted to Mt. Wheeler Power, their successors or assigns pursuant to the Act of October 21, 1976 (43 U.S.C. 1761);

4. By accepting this patent, the patentees agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee, its employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee, its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property resulting in: (a) Violations of Federal, State, and local laws and regulations applicable to the real property; (b) Judgments, claims or demands of any kind assessed against the United States; (c) Costs, expenses, or damages of any kind incurred by the United States; (d) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (e) Activities by which solid waste or hazardous substances or waste, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (f) Natural resource damages as defined by Federal and State law. This covenant

shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction;

5. Pursuant to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act, U.S.C. 9620(h), notice is hereby given that the described lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for 1 year or more; and

6. No warranty of any kind, express or implied, is given by the United States, its officers or employees, as to title, access to or from the above described parcel of land, whether or to what extent the land may be developed, its physical condition, or past, present or future use, or any other circumstances or condition. The conveyance of any such parcel will not be on a contingency basis.

Bidders must demonstrate to the satisfaction of the authorized officer that they meet the requirements of 43 CFR 2711.2 to hold real property in the United States. Failure to submit documentation to the BLM within 30 days from receipt of the high bidder letter shall result in the cancellation of the bid.

Information concerning the sale, appraisals, reservations, sale procedures and conditions, maps, other environmental documents, and mineral report are available for review during business hours, 7:30 a.m. to 4:30 p.m., Pacific Time (PT), Monday through Friday, at the Ely District Office, except during federally recognized holidays.

The parcel is subject to limitations prescribed by law and regulation, and prior to patent issuance, a holder of any ROW within the parcel will have the opportunity to amend the ROW for conversion to a new term, including perpetuity, if applicable, or to an easement. The BLM will notify valid existing ROW holders of their ability to convert their compliant ROW to perpetual ROW or easements. Each valid holder will be notified in writing of their rights and then must apply for the conversion of their current authorization.

Unless other satisfactory arrangements are approved in advance by a BLM authorized officer, conveyance of title shall be through escrow. Designation of the escrow agent shall be through mutual agreement between the BLM and the prospective patentee, and costs of escrow shall be borne by the prospective patentee.

The Ely District Office must receive request for escrow instructions prior to

30 days before the scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the Ely District Office 30 days from the date on the high bidder letter by 4:30 p.m. Pacific Time. Name changes will not be accepted after that date. To submit a name change, the apparent high bidder must submit the name change on the Certificate of Eligibility form to the Ely District Office in writing. Certificate of Eligibility forms are available at the Ely District Office and at the BLM Web site at: [http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office](http://www.blm.gov/nv/st/en/fo/ely_field_office).

The BLM will not sign any documents related to 1031 Exchange transactions. The timing for completion of the exchange is the bidder's responsibility in accordance with Internal Revenue Service regulations. The BLM is not a party to any 1031 Exchange. In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any or all offers to purchase, or withdraw any parcel of land or interest therein from sale, if, in the opinion of the BLM authorized officer, consummation of the sale would be inconsistent with any law, or for other reasons.

In order to determine the FMV, certain assumptions may have been made concerning the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice, the BLM advises that units of local Government may not endorse or approve these assumptions. The buyer must be aware of all applicable Federal, State, and local Government laws, regulations, and policies that may affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It will be the responsibility of the purchaser to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should make themselves aware of any Federal or State law or regulation that may affect the future use of the property. Lands lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

The BLM will only consider written comments as properly filed. No facsimiles, emails, or telephone calls

will be considered as validly submitted comments. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

**Authority:** 43 CFR 2711.1–2(a) and (c).

**Jill A. Moore,**

*Manager, Egan Field Office.*

[FR Doc. 2015–00348 Filed 1–13–15; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNVL02000 L14300000.EU0000 241A; N–89521; 12–08807; MO #4500069451; TAS: 14X1109]

### Notice of Realty Action: Proposed Competitive Sale (N–89521) of Public Land in White Pine County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to sell a 40-acre parcel of public land in White Pine County, NV by competitive sale. Bidding on the subject parcel will begin at not less than the appraised fair market value (FMV) of \$81,580. The BLM is proposing to use the competitive sale procedures consistent with the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the applicable BLM land sale regulations.

**DATES:** Interested persons may submit written comments to the BLM at the address below. The BLM must receive the comments on or before March 2, 2015. The oral auction will be held on April 1, 2015, at 10:00 a.m., Pacific Standard Time at the Ely District Office, 702 North Industrial Way, Ely, NV 89301.

**ADDRESSES:** Bureau of Land Management, Schell Field Office, HC 33 Box 33500, Ely, NV 89301.

**FOR FURTHER INFORMATION CONTACT:** Paul Podborny, Schell Field Manager, at Ely District Office, 702 N. Industrial Way, Ely, NV 89301, or by telephone at 775-289-1800, or by email at [ppodborny@blm.gov](mailto:ppodborny@blm.gov); or Jill A. Moore, Egan Field Manager, by telephone at 775-289-1800, or by email at [jmoore@blm.gov](mailto:jmoore@blm.gov), or email at [http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM will conduct a competitive sale (N-89521) for a 40-acre parcel of public land located north of Ely, NV, 1.3 miles east of U.S. Highway 93, described as follows:

**Mount Diablo Meridian, Nevada**

T. 16 N., R. 64 E.,

Sec. 6, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described contains 40.00 acres.

Upon publication of this Notice in the **Federal Register**, the described land will be segregated from all forms of appropriation under the public land laws, including the mining law, except for the sale provisions of FLPMA. Upon publication of this Notice of Realty Action and until completion of the sale, the BLM will no longer accept land use applications affecting the identified public lands, except applications for the amendment of previously filed right-of-way (ROW) applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregated effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on January 16, 2017, unless extended by the BLM State Director, Nevada, in accordance with 43 CFR 2711.1-2(d) prior to the termination date.

This tract of public land meets the disposal criteria consistent with Section 203 of FLPMA, as amended, and the BLM Ely District Record of Decision and Approved Resource Management Plan (ROD/RMP) dated, August 20, 2008. The parcel is identified as suitable for disposal and complies with Public Law 109-432, the Tax Relief and Health Care Act of 2006, Title III—White Pine

County Conservation, Recreation and Development Act (WPCCRDA), enacted on December 20, 2006. The proposed action conforms to the ROD/RMP as referenced in the Lands and Realty objectives LR-11, page 67; and listed in Appendix B, page B-4. All supporting documents to include a map and an appraisal report for the proposed sale are available for review at the BLM, Ely District Office. A Determination of National Environmental Policy Act Adequacy document number NV-L020-2011-0007 was completed on April 12, 2011.

No significant resource value will be affected by the disposal of this parcel. This parcel is not required for any Federal purposes, and its disposal is in the public interest and meets the intent of the WPCCRDA.

In accordance with 43 CFR 2711.3-1 and 2710.0-6(c)(3)(i), a competitive sale of public land may be used where there would be a number of interested parties bidding for the lands and (A) wherever in the judgment of the authorized officer the lands are accessible and usable regardless of adjoining land ownership and (B) Wherever the lands are within a developing or urbanizing area and land values are increasing due to their location and interest on the competitive market. The BLM examined the parcel (vacant land) and found it to be consistent with and suitable for disposal using competitive sale procedures.

**Competitive Sale Procedures**

Sale procedures: Registration for oral bidding will begin at 1:00 p.m. Pacific Time at the Ely District Office, 702 North Industrial Way, Ely, NV 89301, on the day of the sale. There will be no prior registration before the sale date. The public sale auction will be through oral bids. The high bidder will be declared the successful bidder in accordance with 43 CFR 2711.3-1(d), competitive bidding procedures, where the highest qualifying bid received shall be publicly declared by the authorized officer. Acceptance or rejection of any offer(s) to purchase will be in accordance with the procedures set forth in 43 CFR 2711.3-1 (f) and (g).

**Bid Deposits and Payment**

A high bidder will be declared. In accordance with 2711.3-1(d), the person declared the highest bidder should submit their bid payment in the form of a bank draft, cashier's check, certified check, or U.S. postal money order, or any combination thereof, and made payable in U.S. dollars to the Department of the Interior—Bureau of Land Management. The high bidder must submit a deposit of no less than 20

percent of the successful bid by 4:30 p.m. Pacific Time on the day of the sale in the form of a bank draft, cashier's check, certified check, or U.S. postal money made payable in U.S. dollars to the "Department of the Interior- Bureau of Land Management." Funds must be delivered no later than 4:30 p.m. Pacific Time on the day of the sale to the BLM, Collection Officers at BLM, Ely District Office, 702 North Industrial Way, Ely, NV 89301. Failure to submit the deposit following the close of the sale under 43 CFR 2711.3-1(d) will result in forfeiture of the bid deposit and the cancellation of the sale. No contractual or other rights against the United States may accrue until BLM officially accepts the offer to purchase and the full bid price is paid.

Full payment must be made within 180 days from the date the sale offer is received. Failure to pay the full purchase price within the allotted time will result in forfeiture of the bid deposit in accordance with 43 CFR 2711.3-1(d). No exceptions will be made. The BLM cannot accept the full price at any time following the expiration of the 180th day after the sale offer. Arrangements for electronic fund transfer to BLM shall be made a minimum of two weeks prior to final payment. Failure to meet conditions established for this sale will void the sale and any funds received will be forfeited.

All mineral interests for the parcel will be reserved to the United States. A Mineral Potential Report was completed on May 24, 2011.

The public land will not be offered for sale prior to 60 days from the date this notice is published in the **Federal Register**. The patent, if issued, would be subject to the following terms, conditions, and reservations:

1. A reservation for any right-of-way thereon for ditches or canals constructed by the authority of the United States, Reservation in Patent Right Of Way for Ditches or Canals Act of August 30, 1890 (43 U.S.C. 945);

2. A reservation for all minerals deposits in the land so patented, and to it or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe shall be reserved to the United States;

3. The parcel will be subject to all valid existing rights; and

4. By accepting this patent, the purchasers/patentees agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and



judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee, its employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee, its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property resulting in: (a) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (b) Judgments, claims or demands of any kind assessed against the United States; (c) Costs, expenses, or damages of any kind incurred by the United States; (d) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (e) Other activities by which solid waste or hazardous substances or waste, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (f) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction.

No representation, warranty, or covenant of any kind, express or implied, is given or made by the United States, its officers or employees, as to title, access to or from the above described parcel of land, the title of the land, whether or to what extent the land may be developed, its physical condition, or past, present or future uses, and the conveyance of any such parcel will not be on a contingency basis. The buyer is responsible to be aware of all applicable Federal, State and local government policies and regulations that would affect the subject lands. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. Lands without access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

The bidders must demonstrate to the authorized officer that they meet the requirements of 43 CFR 2711.2 to hold real property in the United States. Failure to submit documentation to the BLM within 30 days from receipt of the high bidder letter shall result in the cancellation of the bid. The parcel may be subject to land use applications received prior to publication of this notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcel. Encumbrances of record, appearing in the case file for this sale, is available for review during business hours, 7:30 a.m. to 4:30 p.m., Pacific Time, Monday through Friday, at the BLM, Ely District Office, except during federally recognized holidays.

The parcel is subject to limitations prescribed by law and regulation, and prior to patent issuance, a holder of any ROW within the parcel may be given the opportunity to amend the ROW for conversion to a new term, including perpetuity, if applicable, or to an easement.

The BLM will notify valid existing ROW holders of their ability to convert their compliant rights-of-way to perpetual rights-of-way or easements. Each valid holder will be notified in writing of their rights and then must apply for the conversion of their current authorization.

Unless other satisfactory arrangements are approved in advance by a BLM authorized officer, conveyance of title shall be through the use of escrow. Designation of the escrow agent shall be through mutual agreement between the BLM and the prospective patentee, and costs of escrow shall be borne by the prospective patentee.

Requests for all escrow instructions must be received by the BLM, Ely District Office prior to 30 days before the scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the BLM, Ely District Office 30 days from the date on the high bidder letter by 4:30 p.m. Pacific Time. Name changes will not be accepted after that date. To submit a name change, the high bidder must submit the name change on the Certificate of Eligibility form to the BLM, Ely District Office in writing. Certificate of Eligibility forms are available at the BLM, Ely District Office and at the BLM Web site at: [http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html).

The BLM will not sign any documents related to 1031 Exchange transactions. The timing for completion of the

exchange is the bidder's responsibility in accordance with Internal Revenue Service regulations. The BLM is not a party to any 1031 Exchange.

In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any or all offers to purchase, or withdraw any parcel of land or interest therein from sale, if, in the opinion of the BLM authorized officer, consummation of the sale would be inconsistent with any law, or for other reasons.

In order to determine the FMV through appraisal, certain extraordinary assumptions and hypothetical conditions are made concerning the attributes and limitations of the land and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice, the BLM advises that these assumptions may not be endorsed or approved by units of local Government.

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.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

**Authority:** 43 CFR 2711.1–2(a) and (c).

**Paul E. Podborny,**

*Field Manager, Schell Field Office.*

[FR Doc. 2015–00350 Filed 1–13–15; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNVL02000 L14300000.EU0000 241A; N–87744; 12–08807; MO#4500069448]

### Notice of Realty Action: Proposed Modified Competitive Sale (N–87744) in White Pine County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to sell a 40-acre parcel of public land in White Pine County, Nevada by modified



competitive sale. Bidding on the subject parcel will begin at not less than the appraised fair market value (FMV) of \$81,580. The BLM is proposing to use the modified competitive sale procedures consistent with Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the applicable BLM land sale regulations.

**DATES:** Interested persons may submit written comments to the BLM at the address below. The BLM must receive the comments on or before March 2, 2015. The oral auction will be held on April 1, 2015, at 10:00 a.m., Pacific Standard Time at the Ely District Office, 702 North Industrial Way, Ely, NV 89301.

**ADDRESSES:** Bureau of Land Management, Schell Field Office, HC 33 Box 33500, Ely, NV 89301.

**FOR FURTHER INFORMATION CONTACT:** Paul Podborny, Schell Field Manager, at Ely District Office, 702 N. Industrial Way, Ely, NV 89301, or by telephone at 775-289-1800, or by email at [ppodborny@blm.gov](mailto:ppodborny@blm.gov); or Jill A. Moore, Egan Field Manager, by telephone at 775-289-1800, or by email at [jmoore@blm.gov](mailto:jmoore@blm.gov), or email at [http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM will conduct a modified competitive sale for a 40-acre parcel of public land located north of Ely, NV, 1.3 miles east of U.S. Highway 93, described as follows:

**Mount Diablo Meridian, Nevada**

T. 16 N., R. 64 E.,

Sec. 6, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described contains 40.00 acres.

Upon publication of this Notice in the **Federal Register**, the described land will be segregated from all forms of appropriation under the public land laws, including the mining laws, except for the sale provisions of FLPMA. Upon publication of this Notice of Realty Action and until completion of the sale, the BLM will no longer accept land use applications affecting the identified public lands, except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregative

effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or January 16, 2017, unless extended by the BLM State Director, Nevada, in accordance with 43 CFR 2711.1-2(d) prior to the termination date.

This tract of public land has been identified for disposal by the BLM in the Ely District Record of Decision and Approved Resource Management Plan (ROD/RMP), dated August 20, 2008, as referenced in the Lands and Realty objectives LR-11, page 67, and listed in Appendix B, page B-4. Disposal of the Parcel will be conducted consistent with Section 203 of FLPMA and Public Law 109-432, the Tax Relief and Health Care Act of 2006, Title III—White Pine County Conservation, Recreation, and Development Act (WPCCRDA), enacted on December 20, 2006. All supporting documents to include a map and an appraisal report for the proposed sale are available for review at the BLM, Ely District Office. A Determination of National Environmental Policy Act Adequacy numbered NV-L020-2011-0007 for this sale was approved on April 12, 2011.

No significant resource value will be affected by the disposal of this parcel. This parcel is not required for any Federal purposes, and its disposal is in the public interest and meets the intent of the WPCCRDA and FLPMA Section 203.

In accordance with 43 CFR 2710.0-6(c)(1), 43 CFR 2710.0-06(c)(3)(ii), and 43 CFR 2711.3-3(a)(2), the BLM determined that a modified competitive sale would be appropriate based on equitable considerations in order to recognize historical users of the parcel, to protect on-going uses, and to avoid dislocation of existing users. Consistent with these requirements, the BLM identified Terry and Randy Reck as the designated bidders for the sale of this parcel.

**Modified-Competitive Sale Procedures**

Modified competitive bidding includes, but is not limited to, offering the designated bidder the right to meet the highest bid or the right of first refusal to purchase the land at not less than the FMV. The highest bid among the qualified bids received for this sale will be declared. Refusal or failure to meet the highest bid shall constitute a waiver of the designated bidder preference.

The designated bidder or his authorized representative must be present at the oral bid sale. Should the designated bidder appoint a representative for this sale, they must

submit in writing a notarized document identifying the level of capacity given to their designated representative. This document must be signed by both parties. The designated bidder or his authorized representative will have the opportunity to meet and accept the high bid as the purchase price of the parcel or to refuse that offer. Should the designated bidder or his authorized representative fail to exercise the preference consideration offered by the authorized officer to meet the high bid as the purchase price at the sale, the sale will proceed in accordance with regulations at 43 CFR 2711.3-2(c) using the procedures specified in 43 CFR 2711.3-1. Acceptance or rejection of any offer to purchase will be in accordance with the procedures set forth in 43 CFR 2711.3-1(f) and (g).

**Bid Deposit and Payment**

In accordance with 2711.3-1(d), the person declared the highest bidder should submit the bid payment in the form of a bank draft, cashier's check, certified check, or U.S. postal money order, or any combination thereof, and made payable in U.S. dollars to the Department of the Interior—Bureau of Land Management. The high bidder must submit a deposit of no less than 20 percent of the successful bid by 4:30 p.m. Pacific Time on the day of the sale in the form of a certified check, postal money order, bank draft, or cashier's check made payable in U.S. dollars to the "Department of the Interior-Bureau of Land Management." Funds must be delivered no later than 4:30 p.m. Pacific Time on the day of the sale to the BLM Collection Officers at Ely District Office, 702 North Industrial Way, Ely, NV 89301. Failure to submit the deposit following the close of the sale under 43 CFR 2711.3-1(d) will result in forfeiture of the bid deposit and the cancellation of the sale. No contractual or other rights against the United States may accrue until BLM officially accepts the offer to purchase and the full bid price is paid.

Full payment must be made within 180 days from the date the sale offer is received. Failure to pay the full purchase price within the allotted time will result in forfeiture of the bid deposit in accordance with 43 CFR 2711.3-1(d). No exceptions will be made. Arrangements for electronic fund transfer to BLM shall be made a minimum of two weeks prior to final payment. Failure to meet conditions established for this sale will void the sale and any monies received will be forfeited.

All mineral interests for the parcel will be reserved to the United States. A

Mineral Potential Report was completed on May 24, 2011.

Public Law 109–432, the Tax Relief and Health Care Act of 2006, Title III—White Pine County Conservation, Recreation, and Development Act (WPCCRDA), Section 311(h)(1), states that Federal land described in subsection (a) is withdrawn from all forms of entry and appropriation under the public land laws and mining laws; all minerals will be retained by the Federal Government. Additionally, upon publication of this Notice of Realty Action, the described land will be segregated from all forms of appropriation under the public land laws, including the mining laws, except for the sale provisions of FLPMA.

The public land will not be offered for sale prior to 60 days from the date this notice is published in the **Federal Register**. The patent, if issued, would be subject to the following terms, conditions, and reservations:

1. A reservation for any right-of-way thereon for ditches or canals constructed by the authority of the United States, Reservation in Patent Right-of-Way for Ditches or Canals Act of August 30, 1890 (43 U.S.C. 945);

2. A reservation for all minerals deposited in the land so patented, and to it or person authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe shall be reserved to the United States;

3. The parcel will be subject to all valid existing rights; and

4. By accepting this patent, the purchasers/patentees agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee, its employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee, its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property resulting in: (a) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (b) Judgments, claims or demands of any kind assessed against the United States; (c) Costs, expenses, or damages of any

kind incurred by the United States; (d) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (e) Other activities by which solid waste or hazardous substances or waste, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (f) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction.

No representation, warranty or covenant of any kind, express or implied, is given or made by the United States, its officers or employees, as to title, access to or from the above described parcel of land, the title of the land, whether or to what extent the land may be developed, its physical condition, or past, present or future uses, and the conveyance of any such parcel will not be on a contingency basis. The buyer is responsible to be aware of all applicable Federal, State, and local government policies and regulations that would affect the subject lands. It is the buyer's responsibility to be aware of existing or prospective uses of nearby properties. Lands without access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

The bidders must demonstrate to the satisfaction of the authorized officer that they meet the requirements of 43 CFR 2711.2 to hold real property in the United States. Failure to submit documentation to the BLM within 30 days from receipt of the high bidder letter shall result in the cancellation of the bid. The parcel may be subject to land use applications received prior to publication of this notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcel. Encumbrances of record, appearing in the case file for this sale are available for review during business hours, 7:30 a.m. to 4:30 p.m., Pacific Time, Monday through Friday, at the Ely District Office, except during federally recognized holidays.

The parcel is subject to limitations prescribed by law and regulation, and prior to patent issuance, a holder of any right-of-way within the parcel may be

given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable, or to an easement.

The BLM will notify valid existing right-of-way holders of their ability to convert their compliant rights-of-way to perpetual rights-of-way or easements. Each valid holder will be notified in writing of their rights and then must apply for the conversion of their current authorization.

Unless other satisfactory arrangements are approved in advance by a BLM authorized officer, conveyance of title shall be through the use of escrow. Designation of the escrow agent shall be through mutual agreement between the BLM and the prospective patentee, and costs of escrow shall be borne by the prospective patentee.

Requests for all escrow instructions must be received by the BLM, Ely District Office prior to 30 days before the scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the BLM, Ely District Office 30 days from the date on the high bidder letter by 4:30 p.m. Pacific Time. Name changes will not be accepted after that date. To submit a name change, the high bidder(s) must submit the name change on the Certificate of Eligibility form to the BLM, Ely District Office in writing. Certificate of Eligibility forms are available at the BLM, Ely District Office and at the BLM Web site at: [http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html).

The BLM will not sign any documents related to 1031 Exchange transactions. The timing for completion of the exchange is the bidder's responsibility in accordance with Internal Revenue Service regulations. The BLM is not a party to any 1031 Exchange.

In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any or all offers to purchase, or withdraw any parcel of land or interest therein from sale, if, in the opinion of the BLM authorized officer, consummation of the sale would be inconsistent with any law, or for other reasons.

In order to determine the FMV through appraisal certain extraordinary assumptions and hypothetical conditions are made concerning the attributes and limitations of the land and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice, the BLM advises that these assumptions may not be endorsed or approved by units of local Government.

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.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

**Authority:** 43 CFR 2711.1–2(a) and (c).

**Paul E. Podborny,**

*Field Manager, Schell Field Office.*

[FR Doc. 2015–00349 Filed 1–13–15; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act

On January 2, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Georgia in the lawsuit entitled *United States et al v. Renessenz, LLC*, Civil Action No. 2:14–CV–185.

The United States of America (“United States”), on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), and the State of Georgia on behalf of the Environmental Protection Division of the Georgia Department of Natural Resources, (“State”) (collectively, “Plaintiffs”), filed a complaint against Renessenz, LLC (“Defendant” or “Renessenz”) pursuant to the Solid Waste Disposal Act (“SWDA”), as amended by the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. 6901 *et seq.* for failure to make a hazardous waste determination on wastewater collected at Defendant’s facility and for operating a treatment, storage, or disposal facility without a permit.

Under the Consent Decree, the Defendant must permanently close various components of its wastewater treatment system in accordance with the Georgia Rules for Hazardous Waste Management, Chapter 391–3–11–.10 (Subpart G of 40 CFR part 264 and 40 CFR 264.197 and/or 40 CFR 264.228), as

well as construct a new wastewater treatment system that is compliant with RCRA, the Georgia Hazardous Waste Management Act (“HWMA”), and those two statutes’ implementing regulations. If the Defendant cannot demonstrate “clean closure,” or the removal of all wastes from the various components of the wastewater treatment system, the surrounding soils, and equipment, then the Defendant must apply for a permit to perform post-closure care, including corrective action, at the facility.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al. v. Renessenz, LLC*, D.J. Ref. 90–5–2–1–2132/5. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
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](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$11.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Henry S. Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2015–00382 Filed 1–13–15; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

[Docket No. ODAG 152]

### National Commission on Forensic Science; Notice of Federal Advisory Committee Meeting

**AGENCY:** Department of Justice.

**ACTION:** Notice of Federal Advisory Committee Meeting.

**SUMMARY:** This notice announces a forthcoming public meeting of the National Commission on Forensic Science.

**DATES:** The meeting will be held on January 29, 2015 from 12:30 p.m. to 5:30 p.m. and January 30, 2015 from 9:00 a.m. to 5:00 p.m. Online registration for the meeting must be completed on or before 5:00 p.m. (EST) January 24, 2015. Electronic comments must be submitted on or before February 13, 2015. The electronic Federal Docket Management System (FDMS) will accept comments until Midnight Eastern Time at the end of that day.

**ADDRESSES:** Office of Justice Programs, 3rd floor ballroom. 810 7th Street NW., Washington, DC 20531.

#### FOR FURTHER INFORMATION CONTACT:

Brette Steele, Senior Forensic Science Advisor and Senior Counsel to the Deputy Attorney General, 950 Pennsylvania Avenue NW., Washington, DC 20530, by email at [Brette.L.Steele@usdoj.gov](mailto:Brette.L.Steele@usdoj.gov), or by phone at (202) 305–0180.

#### SUPPLEMENTARY INFORMATION:

**Agenda:** On January 29, the Commission will receive a briefing from the Bureau of Justice Statistics regarding a proposal to survey law enforcement forensic science service providers. The Commission will also receive status reports, to include the introduction of any draft work products, from the subcommittees on Interim Solutions and Human Factors. NIST will provide an overview on standards and standards development in forensic science. On January 30, the Commission will receive status reports, to include the introduction of any draft work products, from the subcommittees on Accreditation and Proficiency Testing, Medicolegal Death Investigation, Training on Science and Law, and Reporting and Testimony. The Commission will also hear presentations on the accreditation of coroner and medical examiner offices and training of the judiciary on forensic science. The oral public comment period at the meeting will begin at 5:00 p.m. on January 30, 2014. Note: Agenda items, including designation of presentation dates are subject to change. A final agenda will be posted to the Commission’s Web site in advance of the meeting.

**Procedures:** Draft work products to be introduced at the Commission meeting will be made available on the Commission’s Web site: <http://www.justice.gov/ncfs>. The meeting will

be webcast at: <http://stream.sparkstreetdigital.com/player-ce.html?id=doj-jan29>. The meeting will also be open to the public. Seating in the meeting room is limited and will be available on a first-come, first-served basis. All persons who are interested in being on-site for the meeting must register on-line by clicking the registration link found at: <http://www.justice.gov/ncfs/meetings#s5>.

Members of the public may present oral comments on issues pending before the Commission. Those individuals interested in making oral comments should indicate their intent through the on-line registration form and time will be allocated on a first-come, first-served basis. Time allotted for an individual's comment period will be limited to no more than three minutes. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled public comment periods, written comments will be accepted in lieu of oral comments through the procedures described below.

**Posting of Public Comments:** To ensure proper handling of comments, please reference "Docket No. ODAG 152" on all electronic and written correspondence. The Department encourages all comments on subcommittee work products be submitted electronically through <http://www.regulations.gov> using the electronic comment form provided on that site. An electronic copy of this document is also available at the <http://www.regulations.gov> Web site for easy reference. Paper comments that duplicate the electronic submission are not necessary as all relevant comments submitted to <http://www.regulations.gov> will be posted for public review and are part of the official docket record.

In accordance with the Federal Records Act, please note that all comments received are considered part of the public record, and shall be made available for public inspection online at <http://www.regulations.gov>. The comments to be posted may include personally identifiable information (such as your name, address, etc.) and confidential business information voluntarily submitted by the commenter.

You are not required to submit personal identifying information in order to comment on this meeting. Nevertheless, if you want to submit personally identifiable information (such as your name, address, etc.) as part of your comment, but do not want it to be made available for public inspection and posted online, you must include the phrase "PERSONALLY

IDENTIFIABLE INFORMATION" in the first paragraph of your comment. You must also place all the personally identifiable information you do not want made available for public inspection or posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made available for public inspection and posted online, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made available for public inspection or posted online.

Personally identifiable information and confidential business information identified and located as set forth above will be redacted and the comment, in redacted form, will be made available for public inspection and posted on <http://www.regulations.gov>.

The Department of Justice welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations, please indicate your requirements on the online registration form.

Dated: January 8, 2015.

**James M. Cole,**  
Deputy Attorney General.

[FR Doc. 2015-00467 Filed 1-13-15; 8:45 am]

**BILLING CODE 4410-18-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On December 31, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Nebraska in a lawsuit entitled *United States v. Board of Regents of the University of Nebraska*, Civil Action No. 8:14-cv-00422-JMG-CRZ.

The United States filed this lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, ("CERCLA"), 42 U.S.C. 9606 and 9607(a). The United States' complaint

names the Board of Regents of the University of Nebraska as defendants. The complaint requests an order requiring the University of Nebraska to perform specified remedial actions and seeks recovery of costs that the United States has incurred and will incur responding to releases and the threat of releases of hazardous substances at and from real property owned and operated by the University and comprising most of the Former Nebraska Ordnance Plant Superfund Site ("NOP" or the "Site") located in Mead, Saunders County, Nebraska. The Defendant has signed the Consent Decree.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Board of Regents of the University of Nebraska*, Civil Action No. 8:14-cv-00422-JMG-CRZ, DJ Ref. No. 90-11-2-07548/4.

All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, Consent Decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$ 34.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Susan M. Akers,**  
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015-00387 Filed 1-13-15; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE****Antitrust Division****United States v. Verso Paper Corp. and NewPage Holdings Inc. Proposed Final Judgment and Competitive Impact Statement**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Hold Separate Stipulation and Order, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America v. Verso Paper Corp. and NewPage Holdings Inc.*, Civil No. 1:14-cv-2216. On December 31, 2014, the United States filed a Complaint alleging that Verso's proposed acquisition of NewPage would violate Section 7 of the Clayton Act, 15 U.S.C. § 18. The proposed Final Judgment, filed the same time as the Complaint, requires Verso to divest NewPage's coated paper mills in Biron, Wisconsin, and Rumford, Maine, including tangible and intangible assets necessary to operate the facilities.

Copies of the Complaint, proposed Final Judgment and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street NW., Suite 1010, Washington, DC 20530 (telephone: 202–514–2481), on the Department of Justice's Web site at <http://www.usdoj.gov/atr>, and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Department of Justice, Antitrust Division's internet Web site, filed with the Court and, under certain circumstances, published in the **Federal Register**. Comments should be directed to Peter J. Mucchetti, Chief, Litigation I Section, Antitrust Division, Department of Justice, 450 Fifth Street NW., Suite 4100, Washington, DC 20530 (telephone: 202–307–0001).

**Patricia A. Brink,**  
*Director of Civil Enforcement.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

*UNITED STATES OF AMERICA,*

*Department of Justice,  
Antitrust Division,  
450 Fifth Street NW., Suite 4100,  
Washington, DC 20530,  
Plaintiff,*

*v.  
VERSO PAPER CORP.,  
6775 Lenox Center Court,  
Memphis, TN 38115,  
and  
NEWPAGE HOLDINGS INC.,  
8540 Gander Creek Drive,  
Miamisburg, OH 45342,  
Defendants.*

CASE NO. 1:14–cv–2216

JUDGE: Tanya S. Chutkan

FILED: 12/31/14

**COMPLAINT**

The United States of America brings this antitrust action to enjoin Verso Paper Corp. from acquiring NewPage Holdings Inc. The proposed acquisition would likely substantially lessen competition in the manufacture and sale of coated freesheet web paper, coated groundwood paper, and label paper to customers in North America. By acquiring NewPage, Verso would eliminate its foremost competitor in the sale of these products.

**I. INTRODUCTION**

1. Both Verso and NewPage produce two types of coated publication papers—coated freesheet web paper and coated groundwood paper. Post-acquisition, the combined company would control approximately 50 percent of the coated freesheet web market in North America, which accounts for more than \$2 billion in sales, and 40 percent of the coated groundwood market, which accounts for more than \$3 billion in sales. Vigorous competition between Verso and NewPage has ensured a reliable supply of high-quality coated publication papers to North American purchasers at competitive prices. Verso's proposed acquisition of NewPage would eliminate this intense competition, and would likely increase the incentives of the merged firm—and the remaining firms in the market—to increase prices and reduce output.

2. Verso and NewPage are the largest producers in North America of two types of label paper: cut-and-stack label paper and face sheet for pressure-sensitive labels. Post-acquisition, the combined company would control approximately 70 percent of the North American label-paper market, which accounts for approximately \$350 million in sales. Verso has been a fierce competitor to NewPage, the leading seller of label paper. Customers have taken advantage of this competition by playing Verso and NewPage off each

other to obtain more favorable prices. Verso's acquisition of NewPage would extinguish this competition.

**II. JURISDICTION, VENUE, AND INTERSTATE COMMERCE**

3. The United States brings this action under Section 15 of the Clayton Act, 15 U.S.C. § 25, to prevent Verso and NewPage from violating Section 7 of the Clayton Act, 15 U.S.C. § 18.

4. This Court has subject-matter jurisdiction over this action under Section 15 of the Clayton Act, 15 U.S.C. § 25.

5. Verso and NewPage are engaged in, and their activities substantially affect, interstate commerce. Collectively, the parties' 2013 coated freesheet web, coated groundwood, and label paper revenues in the United States were approximately \$2.5 billion.

6. Venue is proper in this District under Section 12 of the Clayton Act, 15 U.S.C. § 22. Both Verso and NewPage are corporations that sell publication papers to customers located in this District. Verso and NewPage have consented to personal jurisdiction and venue in this Court.

**III. THE DEFENDANTS AND THE PROPOSED ACQUISITION**

7. Defendant Verso is a corporation headquartered in Memphis, Tennessee. It operates two mills that collectively produce coated freesheet web paper, coated groundwood paper, label paper, and other types of paper. Verso's mills are located in Maine and Michigan. In early December 2014, Verso closed its mill in Bucksport, Maine, which produced coated groundwood paper.

8. Defendant NewPage is a corporation headquartered in Miamisburg, Ohio. NewPage operates eight mills that collectively produce coated freesheet web paper, coated groundwood paper, label paper, and other types of paper. These mills are located in Kentucky, Maryland, Michigan, Minnesota, Wisconsin, and Maine.

9. On January 3, 2014, Verso agreed to acquire NewPage in a transaction valued at approximately \$1.4 billion.

**IV. THE COATED PAPER INDUSTRY**

10. Coated freesheet web paper and coated groundwood paper are coated on both sides with a clay or other coating. The coating gives the paper a smooth surface and glossy appearance and allows for printing of high-quality graphics.

11. Coated freesheet web paper is bright, heavier-weight glossy paper with excellent print qualities that is used primarily for annual reports, magazine covers and premium magazines, upscale brochures, and direct mail advertising. Coated freesheet web paper is produced for use in web printing applications. Web printing is typically used for large, high-speed printing jobs and requires paper rolls that are capable of being fed through the web printing equipment.

12. Coated groundwood paper is typically used for the interior pages of magazines and catalogues, the covers of low-cost magazines, and other medium-quality printing applications. Together, coated freesheet web paper and coated groundwood paper are referred to in this complaint as "coated publication papers."

13. Competition in the coated publication paper markets is driven by several factors, including head-to-head bidding between manufacturers to serve the particular needs of specific customers, and by capacity and demand conditions. Producers individually negotiate most sales with customers. Customers have varying preferences for coated publication papers due to the papers' varying characteristics, such as brightness, weight, printability, and smoothness. Customers often have specific requirements for the paper that they purchase, and customers typically evaluate each manufacturer's products and qualify their products before purchasing from that manufacturer. Producers try to manufacture products that meet the needs of printers and end users.

14. Demand for most coated publication papers in North America has declined over the last several years because of a significant decline in demand for magazines, catalogues, and other publications. As a result, North American producers of coated publication papers have closed a number of mills and decommissioning of machines. Declining demand for coated publication papers is projected to continue, as is the closing of mills and decommissioned machines.

15. Label paper is typically used to make labels for certain consumer goods, such as canned foods or wine bottles. Label paper is made from a type of freesheet paper that is coated on one side for printing, allowing the uncoated side to adhere to the product.

## V. MARKET DEFINITION

### A. Relevant Product Markets

#### 1. Coated Freesheet Web Paper

16. In the event of a small but significant and non-transitory price increase, purchasers of coated freesheet web paper are unlikely to substitute to other types of paper in sufficient

quantities to make the price increase unprofitable because coated freesheet web paper has characteristics that distinguish it from other types of paper. Some of these characteristics affect the appearance and performance of the product, whereas other characteristics affect the printing process for which the paper may be used.

17. Coated freesheet web paper is therefore a relevant product market and line of commerce under Section 7 of the Clayton Act.

#### 2. Coated Groundwood Paper

18. In the event of a small but significant and non-transitory price increase, purchasers of coated groundwood paper are unlikely to substitute to other types of paper in sufficient quantities to make the price increase unprofitable because other papers are typically more expensive, have a different look and feel, or otherwise have characteristics that are undesirable for coated groundwood applications.

19. Coated groundwood paper is therefore a relevant product market and line of commerce under Section 7 of the Clayton Act.

#### 3. Label Paper

20. In the event of a small but significant and non-transitory price increase, purchasers of label paper are unlikely to substitute to other kinds of paper in sufficient quantities to make the price increase unprofitable because label paper produces a high-quality appearance, is coated on only one side, and has other desirable characteristics. Purchasers of label paper are also unlikely to substitute to other label options in sufficient quantities to make the price increase unprofitable because changing the type of label could require a change in the product's container or packaging.

21. Label paper is therefore a relevant product market and line of commerce under Section 7 of the Clayton Act.

### B. Relevant Geographic Market

22. The relevant geographic market for analyzing the likely effects of the proposed acquisition on the sale of each relevant product is no larger than the United States and Canada (referred to here as "North America," consistent with usage in the paper industry).

23. Defining a geographic market based on the location of customers is appropriate where, as here, (1) producers charge different prices based on customer location, and (2) arbitrage by customers is difficult.

24. For each relevant product, producers typically negotiate individual prices with each customer. Arbitrage is impractical because a customer in North America would need to find the product

with the particular characteristics it requires from a customer outside of North America who has purchased that product at a significantly lower price to allow for shipping costs to North America. Furthermore, the additional costs of re-handling and re-shipping the product make arbitrage prohibitively expensive. Finally, a customer purchasing through arbitrage loses valuable services that producers often provide, such as inventory management, warranties, and technical support.

25. In the event of a small but significant and non-transitory price increase, purchasers of each relevant product in North America are unlikely to defeat the price increase. North America is therefore a relevant geographic market for each relevant product under Section 7 of the Clayton Act.

## VI. THE PROPOSED ACQUISITION WOULD LIKELY LEAD TO ANTICOMPETITIVE EFFECTS IN COATED PUBLICATION PAPERS

26. The proposed acquisition would likely significantly increase market concentration, eliminate head-to-head competition between Verso and NewPage, increase incentives to raise prices and reduce output, and facilitate accommodating conduct by competitors in the sale of coated publication papers.

27. The proposed acquisition would significantly increase market concentration for coated publication papers. Market concentration is a useful indicator of the level of competitive vigor in a market and the likely competitive effects of a proposed acquisition. The more concentrated a market, and the more a transaction would increase market concentration, the more likely it is that the transaction would substantially reduce competition. Concentration in relevant markets is typically measured by the Herfindahl-Hirschman Index (HHI). Markets in which the post-merger HHI is above 2,500 are considered highly concentrated. Mergers that increase the HHI by more than 200 points and result in a highly concentrated market are presumed likely to create or enhance market power. Markets in which the post-merger HHI is between 1,500 and 2,500 are considered moderately concentrated. Mergers that increase the HHI by more than 100 points and result in a moderately concentrated market potentially raise significant competitive concerns.

28. NewPage and Verso are the first and third largest competitors in the North American coated freesheet web paper market. New Page accounts for approximately 30 percent of market sales, and Verso accounts for

approximately 20 percent. Post-merger, the merged firm would have an approximately 50 percent share, and with the next largest supplier, would account for approximately 80 percent of market sales.

29. The proposed acquisition would result in a highly concentrated market for coated freesheet web paper, with a post-merger HHI of approximately 3,500. The proposed acquisition would increase the HHI by approximately 1,200, and thus significantly increase market concentration.

30. NewPage and Verso are the first and second largest competitors in the North American coated groundwood market. NewPage and Verso each account for approximately 20 percent of market sales. Post-merger, the combined firm would have an approximately 40 percent share.

31. The proposed acquisition would result in a moderately concentrated market with a post-merger HHI of approximately 2,200. The acquisition would increase the HHI by approximately 800, and thus significantly increase market concentration.

32. Verso and NewPage have frequently competed for sales to coated publication paper customers. The proposed acquisition would eliminate this head-to-head competition.

33. The proposed acquisition would also increase Verso's incentive and ability to raise price and reduce output of coated publication papers. Consequently, the acquisition would likely lead to increased downtime, accelerated mill closures, and reduced output in North America.

34. The acquisition would likely facilitate accommodating conduct by competitors, leading to increased prices and reduced output. Despite the differentiated nature of coated publication paper markets, these markets are conducive to accommodating conduct by competitors. A small number of producers dominate the industry, and producers regularly obtain information from customers about their options and competitors' prices and product availability.

#### **VII. THE PROPOSED ACQUISITION WOULD LIKELY LEAD TO ANTICOMPETITIVE EFFECTS IN THE LABEL-PAPER MARKET**

35. The proposed acquisition likely would substantially lessen competition in the sale of label paper. The acquisition would substantially increase market concentration and eliminate the head-to-head competition between Verso and NewPage.

36. NewPage accounts for approximately 60 percent of the market

and Verso accounts for approximately 10 percent. Post-acquisition, the combined firm would have approximately a 70 percent share. The proposed acquisition is presumptively anticompetitive because it would substantially increase market concentration in the already highly concentrated label-paper market from approximately 3,800 to 5,300.

37. Customers have played Verso and NewPage off each other in negotiations to obtain lower prices and better products and service. If the acquisition were completed, customers would no longer be able to do so, likely enabling the combined firm to raise prices and eliminating beneficial non-price competition between Verso and NewPage.

#### **VIII. ABSENCE OF COUNTERVAILING FACTORS**

38. Entry by new competitors or expansion by existing competitors is unlikely to be timely or sufficient in scope to prevent the proposed acquisition's likely anticompetitive effects. Entry into publication papers is unlikely due to the declining demand for coated publication papers and the high cost of building a new coated paper mill. Entry into label papers is costly, uncertain, and time-consuming, as successful entrants need to test and qualify each new product with each major customer.

39. Supply responses from overseas manufacturers are unlikely to prevent a substantial lessening of competition. Prices are generally higher for imports than for domestic products. Furthermore, foreign producers are limited by commitments to more profitable local markets; by significant transportation costs and logistical issues; by customers' exacting product specifications and preferences for short lead times; and by fluctuations in currency exchange rates, which disrupt consumer preferences for stable supply relationships.

40. The acquisition is unlikely to produce sufficient merger-specific, cognizable efficiencies that Verso would pass through to consumers to reverse the acquisition's likely anticompetitive effects.

#### **IX. VIOLATION ALLEGED**

41. The effect of the proposed acquisition, if completed, would likely be to substantially lessen competition in interstate trade and commerce in the relevant markets, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

42. Unless enjoined, the proposed acquisition likely would have the following effects in each of the relevant markets:

- (a) competition between Verso and NewPage would be eliminated;
- (b) competition would likely be substantially lessened;
- (c) prices would likely be higher than they otherwise would; and
- (d) output would likely be lower than it otherwise would.

#### **X. REQUEST FOR RELIEF**

43. The United States requests that the Court:

(a) judge Verso's proposed acquisition of NewPage to violate Section 7 of the Clayton Act, 15 U.S.C. 18;

(b) permanently enjoin Verso from acquiring any of the assets of NewPage or engaging in any other transaction that would combine the two companies;

(c) award Plaintiff the costs of this action; and

(d) award Plaintiff other just and proper relief.

December 31, 2014.

Respectfully Submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

/s/

WILLIAM J. BAER

Assistant Attorney General for Antitrust.

/s/

DAVID I. GELFAND

Deputy Assistant Attorney General.

/s/

PATRICIA A. BRINK

Director of Civil Enforcement.

/s/

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/s/

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/s/

KARL D. KNUTSEN

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PAUL TORZILLI

(DC BAR # 986767)

#### **In the United States District Court for the District of Columbia**

*United States of America*, Plaintiff, v.  
*Verso Paper Corp.*, and *NewPage Holdings Inc.*, Defendants.

Case No. 1:14-cv-2216

Judge: Tanya S. Chutkan

Filed: 12/31/14

#### **COMPETITIVE IMPACT STATEMENT**

Plaintiff United States of America ("United States"), pursuant to Section



2(b) of the Antitrust Procedures and Penalties Act ("APPA" or "Tunney Act"), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

## I. NATURE AND PURPOSE OF THE PROCEEDING

On January 3, 2014, Defendant Verso Paper Corp. ("Verso") agreed to acquire all of the assets of Defendant NewPage Holdings Inc. ("NewPage"). The United States filed a civil antitrust Complaint on December 31, 2014, seeking to enjoin the proposed acquisition. The Complaint alleges that the likely effect of this acquisition would be to lessen competition substantially in the markets for coated publication papers and label paper in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. For each product, this loss of competition likely would result in higher prices, lower output, and fewer services for customers in North America.

At the same time the Complaint was filed, the United States also filed a Hold Separate Stipulation and Order ("Hold Separate") and proposed Final Judgment, which are designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, which is explained more fully below, the Defendants must divest two NewPage mills that manufacture the relevant products. Under the terms of the Hold Separate Stipulation and Order, the Defendants will take certain steps to ensure that the assets being divested will be operated as a competitively independent, economically viable, and ongoing business concern, that will remain independent and uninfluenced by the consummation of the acquisition, and that competition is maintained during the pendency of the ordered divestiture.

The United States and the Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

## II. DESCRIPTION OF THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

### A. The Defendants and the Proposed Transaction

On January 3, 2014, Verso agreed to acquire NewPage for approximately \$1.4

billion. In North America, Verso and NewPage are two of the largest producers of coated paper. Verso and NewPage produce a range of coated papers, including coated publication papers and label paper.

Verso, a corporation headquartered in Memphis, Tennessee, owns and operates two mills, both of which are located in North America.<sup>1</sup> The mills collectively produce a range of coated freesheet web paper, coated groundwood paper, and label paper that is sold to customers throughout North America. In 2013, Verso had approximately \$1.4 billion in sales.

NewPage, a corporation headquartered in Miamisburg, Ohio, owns and operates eight mills, all of which are located in North America. The mills collectively produce a range of coated freesheet web paper, coated groundwood paper, and label paper sold to customers throughout North America. Its annual sales for 2013 were approximately \$3.1 billion.

### B. The Competitive Effects of the Proposed Acquisition

1. The Relevant Product Markets are Coated Freesheet Web Paper, Coated Groundwood Paper, and Label Paper.

The Complaint alleges three types of coated paper are relevant product markets within the meaning of Section 7 of the Clayton Act: coated freesheet web paper, coated groundwood paper, and label paper. Coated freesheet paper and coated groundwood paper are both used for publications and are typically coated on two sides. Coated freesheet paper is made from pulp that has impurities removed before being made into paper, resulting in bright, high-quality paper. Coated freesheet paper is typically used for annual reports, magazine covers, premium magazines, brochures, and direct mail advertising.

Coated freesheet web paper is produced for use in web printing applications. Web printers feed paper rolls through the printing equipment rather than individual sheets of paper, as used in sheet-fed printing applications. Web printing typically involves different equipment and

different paper than sheet-fed printing. In particular, coated freesheet paper for use in web printing has lower moisture content so that heat applied in the printing process does not cause the paper to blister. For this reason, coated freesheet paper produced for use in sheet-fed printers is functionally not a substitute for coated freesheet web paper.

For customers who choose coated freesheet paper for their printed material, web printing is often the more cost-effective choice for large print jobs than sheet-fed printing, which typically is more cost-effective for small print jobs. In response to a small but significant increase in the price of coated freesheet web paper, customers who use coated freesheet web paper for their print jobs are unlikely to substitute to sheet-fed printing or other alternatives in sufficient quantity to make the price increase unprofitable. As such, coated freesheet web paper is a relevant product.

Coated groundwood paper is also a relevant product. Coated groundwood paper is typically used for the interior pages of magazines and catalogues, the covers of low-cost magazines, and other similar-quality printing applications. In response to a small but significant increase in the price of coated groundwood paper, purchasers are unlikely to switch to coated freesheet paper in sufficient quantities to make the price increase unprofitable because coated freesheet paper is typically more expensive, heavier, or has other characteristics that are undesirable for coated groundwood applications. Purchasers are also unlikely to switch to lower quality paper in sufficient quantities to make the price increase unprofitable because lower quality paper produces a less appealing printed page than coated groundwood paper.

Label paper is a relevant product. Label paper is typically made from coated freesheet paper. Label paper is coated on only one side; the other side is treated with an adhesive for placement on an object or surface. Label paper is principally used for two types of applications: cut-and-stack labels such as those that appear on canned food, and the face paper for pressure-sensitive labels such as those that appear on wine bottles. Label paper purchasers require a consistently high-quality label because the label is an important aspect of a product's brand recognition and therefore sales success. The cost of the label, moreover, is typically a small fraction of the cost of the product on which the label appears. Because high-quality labels are critical to a product's marketplace image and

<sup>1</sup> In December 2014, Verso closed its mill in Bucksport, Maine, which produced coated groundwood paper. In the press release announcing the closure, Verso's CEO indicated that the mill has been unprofitable for a number of years and that in today's marketplace the Bucksport mill would be unlikely to become profitable in the future. Press Release, Verso Paper Corp., Verso Announces Closure of Bucksport, Maine Paper Mill (Oct. 1, 2014) (available at <http://investor.versopaper.com/releasedetail.cfm?ReleaseID=874161>). Verso contemplated closing the mill before it decided to merge with NewPage. The United States does not allege that the closing of the Bucksport Mill is a result of the merger.



are a small part of the product's cost, label paper purchasers are unlikely to substitute from label papers to other forms of printed information on containers in response to a small but significant increase in the price of label paper.

**2. The Relevant Geographic Market Is No Larger than Customers Located In North America.**

For each relevant product, the Complaint alleges that the relevant geographic market is no larger than North America (defined consistent with industry terminology as the United States and Canada). The market is defined around the location of customers because suppliers typically negotiate prices on a delivered basis with individual customers. As a result, suppliers charge different prices to different customers based on the customers' location. A hypothetical monopolist of each of the three relevant products sold to customers located in North America would likely profit from a small but significant price increase. Customers located in North America would likely not avoid the price increase by engaging in arbitrage. Arbitrage would entail a customer trying to avoid the price increase by purchasing products from another customer outside the relevant market. Arbitrage is unlikely to occur in sufficient quantities to make the price increase unprofitable because the end customer would need to pay significant incremental shipping costs that would make arbitrage an uneconomical strategy. Arbitrage is also unlikely to occur because a customer purchasing through arbitrage loses valuable services that producers often provide, such as inventory management, just-in-time delivery, warranties, and technical support.

**3. The Proposed Acquisition Will Likely Result In Anticompetitive Effects.**

The Complaint alleges that the proposed acquisition will likely substantially lessen competition in all three relevant markets. In each market, the Complaint alleges that the acquisition will likely increase concentration substantially and eliminate significant head-to-head competition, leading to higher prices and reduced output. In the coated freesheet web and coated groundwood markets, the Complaint further alleges that the acquisition will likely cause the remaining competitors to accommodate one another's price increases and output reductions.

The proposed acquisition is presumptively unlawful because it will increase concentration significantly in the highly concentrated coated freesheet

web and label paper markets. Market concentration is a useful indicator of the level of competitive vigor in a market and the likely competitive effects of a proposed acquisition. The more concentrated a market and the more an acquisition would increase market concentration, the more likely that the acquisition would substantially reduce competition. Courts typically measure concentration in relevant markets using the Herfindahl-Hirschman Index (HHI). Markets in which the post-acquisition HHI is between 1,500 and 2,500 are considered to be moderately concentrated and markets in which the HHI exceeds 2,500 are considered highly concentrated. Acquisitions that increase the HHI by more than 200 points and result in a highly concentrated market are presumed likely to create or enhance market power.

In the markets for coated freesheet web paper and label paper, the proposed acquisition would significantly increase concentration in highly concentrated markets. In the coated freesheet web market, NewPage had a 30% market share and Verso had a 20% market share at the end of 2013. The post-acquisition HHI would increase by approximately 1,200 to approximately 3,500. In the label paper market, NewPage had a 60% market share and Verso had a 10% market share at the end of 2013. The HHI would increase by approximately 1,500, and the post-acquisition HHI would be approximately 5,300. In the coated groundwood market, NewPage and Verso each had a 20% market share at the end of 2013. The proposed acquisition would increase concentration by approximately 800 and result in a moderately concentrated market, with a post-acquisition HHI of approximately 2,200.

Demand for coated publication papers has declined over the last several years, and this decline is projected to continue for the foreseeable future. Continued declines in demand will likely cause inefficient competitors to exit the markets while only cost-effective competitors will survive. In the coated freesheet web market, the Defendants are two of three firms with cost-effective mills. In the coated groundwood and label markets, the Defendants are two of a small number of firms with cost-effective mills.

Products within each of the relevant product markets are differentiated. Customers have varying preferences for product quality, appearance, and performance. Verso, NewPage, and other producers design products and marketing strategies to cater to these

varying preferences. For many customers of the relevant products, Verso and NewPage competed head-to-head for business and represented the two best alternatives. For these customers, the acquisition would reduce competition because they would lose one of their two best options and a less desirable option would become the customer's best alternative. The proposed acquisition eliminates this head-to-head competition.

In addition, the coated freesheet web and coated groundwood markets are conducive to accommodating conduct by competitors because a small number of producers dominate the industry, and producers regularly obtain information from customers about their options and competitors' prices and product availability. Remaining competitors would likely find it more profitable to follow price increases rather than lower prices and risk a competitive response from other firms.

**4. Supply Responses and Creditable, Procompetitive Efficiencies Would Not Likely Prevent Anticompetitive Effects.**

The Complaint alleges that supply responses from new competitors or expansion by existing competitors are unlikely to be timely or sufficient in scope to prevent the reduction in competition likely to result from the proposed acquisition. Entry or expansion into each of the relevant markets is costly and time-consuming. A competitive entrant would need a cost-effective mill. Building such a mill would cost billions of dollars, take two or more years to build, and require extensive environmental permits to construct. New competitors also would need to secure major customers, which often involves lengthy and expensive qualification processes.

Non-North American producers are unlikely to increase imports into North America to prevent the likely anticompetitive effects. Overseas producers tend to focus on markets that are closer to them where they can earn higher margins, rather than selling in the more distant North American markets where they pay higher shipping costs. In addition, customers require timely delivery, as coated paper is an essential input into their final products. Procuring coated paper from overseas adds significant lead time, increases the risk of delivery delays, and makes more difficult quick correction of quality problems. Also, fluctuations in foreign exchange rates pose a challenge to overseas producers competitively selling to customers in North America because they add substantial risk to long-term relationships.

Finally, the Complaint alleges that Defendants cannot demonstrate cognizable, merger-specific efficiencies that Verso would pass through to consumers in the form of lower prices, higher quality, or better service to counteract the likely anticompetitive effects.

### III. EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The divestiture requirement of the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in the North American market for coated publication papers and label paper by establishing a new, independent, and economically-viable competitor. The proposed Final Judgment requires the Defendants, within ten (10) days after the Court enters the Hold Separate Stipulation and Order in this matter to divest, as a viable ongoing business, NewPage's Rumford, Maine, and Biron, Wisconsin, mills, and all associated mill assets (the "Divestiture Mills"). The Divestiture Mills must be divested in such a way as to satisfy the United States in its sole discretion that the operations can and will be operated by the purchaser as a viable, ongoing business that can compete effectively in the coated freesheet web, coated groundwood, and label paper markets. The Defendants must take all reasonable steps necessary to accomplish the divestiture quickly and shall cooperate with prospective purchasers.

The Defendants must sell the Divestiture Mills to Catalyst Paper Corporation ("Catalyst"). Catalyst is a forest-products company headquartered in British Columbia, Canada. Catalyst operates three paper mills, all located in British Columbia. Catalyst makes a variety of paper grades across its mill system. At its Port Alberni mill, Catalyst produces coated groundwood paper and small quantities of coated freesheet web paper. Catalyst does not produce label paper. If, for some reason, Defendants are unable to complete the sale to Catalyst, they must sell the Divestiture Mills to an alternative purchaser who must be approved by the United States.

The proposed Final Judgment provides that the United States may appoint a Monitoring Trustee with the power and authority to investigate and report on the Defendants' compliance with the terms of the Final Judgment and the Hold Separate Stipulation and Order. The Monitoring Trustee would not have any responsibility or obligation for the operation of the Defendants' businesses. The Monitoring Trustee would serve at the Defendants' expense, on such terms and conditions as the

United States approves, and the Defendants would be required to assist the trustee in fulfilling its obligations. The Monitoring Trustee would serve for two years. The United States may, in its sole discretion, extend the Monitoring Trustee's term for an additional year. The Monitoring Trustee would file monthly reports for the first year and annual reports for each year thereafter, or more frequently as needed.

In the event that Defendants do not accomplish the divestiture within the periods prescribed in the proposed Final Judgment, the Final Judgment provides that the Court will appoint a trustee selected by the United States to effect the divestiture. If a trustee is appointed, the proposed Final Judgment provides that the Defendants will pay all costs and expenses of the trustee. The trustee's commission would be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestiture is accomplished. After his or her appointment becomes effective, the trustee would file monthly reports with the Court and the United States setting forth his or her efforts to accomplish the divestiture. At the end of six (6) months, if the divestiture has not been accomplished, the trustee and the United States would make recommendations to the Court, which shall enter such orders as appropriate, in order to carry out the purpose of the trust, including extending the trust or the term of the trustee's appointment.

The divestiture provisions of the proposed Final Judgment preserve the competition that would be lost if the proposed acquisition occurred without the divestiture. The divestiture will largely maintain the existing structure of the relevant markets. The mills to be divested produced approximately 940,000 tons of coated publication papers, label paper, and other papers, which is approximately the same amount of production as Verso currently operates. In addition, the divestiture will provide the purchaser of the divested assets with a market presence comparable to Verso's current market presence in the relevant markets. The purchaser will also obtain production assets that have a track record of competitively producing a range of coated publication papers and label paper.

The proposed Final Judgment provides that the purchaser of the Biron mill will have the option to procure softwood kraft pulp from Verso's Wisconsin Rapids mill through a pulp supply contract. Price will be set using a methodology consistent with the methodology that Defendants

historically have used in setting transfer prices for bleached softwood kraft pulp provided to the Biron mill, with appropriate overhead costs removed. The Biron mill has a semi-integrated pulp supply. The mill produces its own mechanical pulp and receives softwood kraft pulp from NewPage's Wisconsin Rapids mill, which is approximately four miles away, through a pipeline and by truck. The supply contract under the proposed Final Judgment will enable the Biron mill to sell coated groundwood products at competitive prices.

The proposed Final Judgment also provides that the purchaser of the Biron mill will have the option to procure waste and wastewater disposal services from Verso. Price will be set using a methodology consistent with the methodology that Defendants historically have used in setting transfer prices for waste and wastewater disposal services provided to the Biron mill, with appropriate overhead costs removed. The Biron mill currently shares waste and wastewater disposal service with other mills owned by NewPage. The waste and wastewater services contract under the proposed Final Judgment will enable the Biron mill to sell coated groundwood products at competitive prices.

### IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

### V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED FINAL JUDGMENT

The United States and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the

effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to the Court's entry of judgment. The comments and the response of the United States will be filed with the Court. In addition, comments will be posted on the U.S. Department of Justice, Antitrust Division's internet Web site and, under certain circumstances, published in the **Federal Register**.

Written comments should be submitted to: Peter J. Mucchetti, Chief, Litigation I Section, Antitrust Division, United States Department of Justice, 450 5th Street NW., Suite 4100, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

## VI. ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits against Defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions against Verso's acquisition of NewPage. The United States is satisfied, however, that the divestiture of assets described in the proposed Final Judgment will preserve competition for the provision of coated freesheet web paper, coated groundwood paper, and label paper in the relevant market identified by the United States. Thus, the proposed Final Judgment would achieve all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

## VII. STANDARD OF REVIEW UNDER THE APPA FOR THE PROPOSED FINAL JUDGMENT

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the court shall determine whether entry of the proposed Final Judgment "is in the public interest." 15 U.S.C. § 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the Complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e)(1)(A) & (B).<sup>2</sup> In considering these statutory factors, the court's inquiry is necessarily a limited one as the government is entitled to "broad discretion to settle with the defendant within the reaches of the public interest." *United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see generally United States v. SBC Commc'ns, Inc.*, 489 F. Supp. 2d 1 (D.D.C. 2007) (assessing public interest standard under the Tunney Act); *United States v. U.S. Airways Group, Inc.*, No. 13-cv-1236 (CKK), 2014-1 Trade Cas. (CCH) ¶ 78, 748, 2014 U.S. Dist. LEXIS 57801, at \*7 (D.D.C. Apr. 25, 2014) (noting the court has broad discretion of the adequacy of the relief at issue); *United States v. InBev N.V./S.A.*, No. 08-1965 (JR), 2009-2 Trade Cas. (CCH) ¶ 76,736, 2009 U.S. Dist. LEXIS 84787, at \*3, (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited

and only inquires "into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable.").

As the United States Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft*, 56 F.3d at 1458-62. With respect to the adequacy of the relief secured by the decree, a court may not "engage in an unrestricted evaluation of what relief would best serve the public." *United States v. BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft*, 56 F.3d at 1460-62; *United States v. Alcoa, Inc.*, 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev*, 2009 U.S. Dist. LEXIS 84787, at \*3. Courts have held that:

[t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "within the reaches of the public interest." More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

*Bechtel*, 648 F.2d at 666 (emphasis added) (citations omitted).<sup>3</sup> In determining whether a proposed settlement is in the public interest, a district court "must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations." *SBC Commc'ns*, 489 F. Supp. 2d at 17; *see*

<sup>3</sup> Cf. *BNS*, 858 F.2d at 464 (holding that the court's "ultimate authority under the [APPA] is limited to approving or disapproving the consent decree"); *United States v. Gillette Co.*, 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to "look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass"). *See generally Microsoft*, 56 F.3d at 1461 (discussing whether "the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest'").

<sup>2</sup> The 2004 amendments substituted "shall" for "may" in directing relevant factors for courts to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. § 16(e) (2004), with 15 U.S.C. 16(e)(1) (2006); *see also SBC Commc'ns*, 489 F. Supp. 2d at 11 (concluding that the 2004 amendments "effected minimal changes" to Tunney Act review).

also *U.S. Airways*, 2014 U.S. Dist. LEXIS 57801, at \*16 (noting that a court should not reject the proposed remedies because it believes others are preferable); *Microsoft*, 56 F.3d at 1461 (noting the need for courts to be “deferential to the government’s predictions as to the effect of the proposed remedies”); *United States v. Archer-Daniels-Midland Co.*, 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant due respect to the United States’ prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case).

Courts have greater flexibility in approving proposed consent decrees than in crafting their own decrees following a finding of liability in a litigated matter. “[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is ‘within the reaches of public interest.’” *United States v. Am. Tel. & Tel. Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982) (citations omitted) (quoting *United States v. Gillette Co.*, 406 F. Supp. 713, 716 (D. Mass. 1975)), *aff’d sub nom. Maryland v. United States*, 460 U.S. 1001 (1983); see also *U.S. Airways*, 2014 U.S. Dist. LEXIS 57801, at \*8 (noting that room must be made for the government to grant concessions in the negotiation process for settlements (citing *Microsoft*, 56 F.3d at 1461)); *United States v. Alcan Aluminum Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving the consent decree even though the court would have imposed a greater remedy). To meet this standard, the United States “need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.” *SBC Commc’ns*, 489 F. Supp. 2d at 17.

Moreover, the court’s role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the court to “construct [its] own hypothetical case and then evaluate the decree against that case.” *Microsoft*, 56 F.3d at 1459; see also *U.S. Airways*, 2014 U.S. Dist. LEXIS 57801, at \*9 (noting that the court must simply determine whether there is a factual foundation for the government’s decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev*, 2009 U.S. Dist. LEXIS 84787, at \*20 (“the ‘public interest’ is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should

have, been alleged”). Because the “court’s authority to review the decree depends entirely on the government’s exercising its prosecutorial discretion by bringing a case in the first place,” it follows that “the court is only authorized to review the decree itself,” and not to “effectively redraft the complaint” to inquire into other matters that the United States did not pursue. *Microsoft*, 56 F.3d at 1459–60. As this Court confirmed in *SBC*

*Communications*, courts “cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.” *SBC Commc’ns*, 489 F. Supp. 2d at 15.

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” 15 U.S.C. § 16(e)(2); see also *U.S. Airways*, 2014 U.S. Dist. LEXIS 57801, at \*9 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: “[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.” 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court’s “scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.” *SBC Commc’ns*, 489 F. Supp. 2d at 11.<sup>4</sup> A court can make its public interest determination based on the competitive

<sup>4</sup> See *United States v. Enova Corp.*, 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the “Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone”); *United States v. Mid-Am. Dairyman, Inc.*, No. 73–CV–681–W–1, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980, \*22 (W.D. Mo. 1977) (“Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.”); S. Rep. No. 93–298, at 6 (1973) (“Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.”).

impact statement and response to public comments alone. *U.S. Airways*, 2014 U.S. Dist. LEXIS 57801, at \*9.

## VIII. DETERMINATIVE DOCUMENTS

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: December 31, 2014.

Respectfully submitted,

/s/Karl Knutsen

Karl D. Knutsen

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## IN THE UNITED STATES DISTRICT COURT

### FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, v. VERSO PAPER CORP., and NEWPAGE HOLDINGS INC., Defendants.

CASE NO. 1:14–cv–2216

JUDGE: Tanya S. Chutkan

FILED: 12/31/14

## PROPOSED FINAL JUDGMENT

WHEREAS, Plaintiff, United States of America, filed its Complaint on December 31, 2014, the United States and defendants, Verso Paper Corp. and NewPage Holdings Inc., by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

AND WHEREAS, Defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

AND WHEREAS, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the Defendants to assure that competition is not substantially lessened;

AND WHEREAS, the United States requires Defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

AND WHEREAS, Defendants have represented to the United States that the divestitures required below can and will be made and that Defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

NOW THEREFORE, before any testimony is taken, without trial or

adjudication of any issue of fact or law, and upon consent of the parties, it is ORDERED, ADJUDGED AND DECREED:

## I. Jurisdiction

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. § 18).

## II. Definitions

As used in this Final Judgment:

A. "Acquirer(s)" means Catalyst or another entity or entities to whom Defendants divest the Divestiture Mills.

B. "Catalyst" means Catalyst Paper Corporation, a Canadian corporation with its headquarters in Richmond, British Columbia, Canada, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

C. "Defendants" means NewPage and Verso.

D. "Divestiture Mills" means NewPage's pulp and paper mill located at 35 Hartford Street, Rumford, Maine 04276 (the "Rumford Mill"); and NewPage's pulp and paper mill located at 621 North Biron Drive, Wisconsin Rapids, Wisconsin 54495 (the "Biron Mill") (subject to the exclusions in Section II(D)(3) below), including:

1. All tangible assets necessary to operate, used in or for, or devoted to the Divestiture Mills including, but not limited to, all manufacturing equipment, tooling and fixed assets, real property (leased or owned), personal property, inventory, reserves, office furniture, information technology systems, materials, supplies, and other tangible property and all assets used exclusively in connection with the Divestiture Mills; all licenses, permits and authorizations issued by any governmental organization relating to the Divestiture Mills; all contracts, teaming arrangements, agreements, leases (including renewal rights), commitments, certifications, and understandings relating to the Divestiture Mills, including supply agreements; all customer lists, contracts, accounts, and credit records; all repair and performance records and all other records relating to the Divestiture Mills.

2. All intangible assets necessary to operate, used in or for, or devoted to the Divestiture Mills, including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, technical

information, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, environmental studies and assessments, design tools and simulation capability, all manuals and technical information Defendants provide to their own employees, customers, suppliers, agents or licensees, and all research data concerning historic and current research and development efforts relating to the Divestiture Mills, including, but not limited to, designs of experiments, and the results of successful and unsuccessful designs and experiments.

3. "Divestiture Mills" does not include the Wisconsin Rapids pulp mill, the Consolidated Water Power Company, the Sterling trade name and trademark, and the NewPage Research and Development facility at 300 N. Biron Drive, Wisconsin Rapids, Wisconsin, 54494.

E. "NewPage" means Defendant NewPage Holdings Inc., a Delaware corporation with its headquarters in Miamisburg, Ohio, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

F. "Verso" means Defendant Verso Paper Corp., a Delaware corporation with its headquarters in Memphis, Tennessee, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

## III. Applicability

A. This Final Judgment applies to Verso and NewPage, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. If, prior to complying with Section IV and V of this Final Judgment, Defendants sell or otherwise dispose of all or substantially all of their assets or of lesser business units that include the Divestiture Mills, they shall require the Acquirer(s) to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from the Acquirer(s) of the assets divested pursuant to this Final Judgment.

## IV. Divestitures

A. Defendants are ordered and directed, within ten (10) calendar days after the signing of the Hold Separate Stipulation and Order in this matter, to divest the Divestiture Mills in a manner consistent with this Final Judgment to an Acquirer(s) acceptable to the United States, in its sole discretion. The United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Divestiture Mills as expeditiously as possible.

B. Defendants must first attempt to sell the Divestiture Mills to Catalyst. In the event that the sale to Catalyst fails, and Defendants attempt to sell the Divestiture Mills to an Acquirer(s) other than Catalyst, Defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Mills for sale. Defendants shall inform any person making inquiry regarding a possible purchase of the Divestiture Mills that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment.

C. In accomplishing the divestiture ordered by this Final Judgment, Defendants shall offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Mills customarily provided in a due diligence process, except such information or documents subject to the attorney-client privilege or work-product doctrines. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

D. Defendants shall permit all prospective Acquirers to have reasonable access to personnel and to make inspections of the physical facilities of the Divestiture Mills; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process, except such information or documents subject to the attorney-client privilege or work-product doctrines.

E. Defendants shall provide the Acquirer(s) of the Divestiture Mills and the United States information relating to the personnel involved in the management, production or sales activities of the Divestiture Mills to enable the Acquirer(s) to make offers of

employment. Defendants will not interfere with any negotiations by the Acquirer(s) to employ any Defendant employee whose primary responsibility is the management, production, distribution or sales activities of the Divestiture Mills. Defendants shall waive all non-compete agreements for any current or former employee whom the Acquirer(s) employs with relation to the Divestiture Mills.

F. Defendants shall warrant to the Acquirer(s) that each of the Divestiture Mills will be operational on the date of sale.

G. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Mills.

H. At the option of the Acquirer and on terms and conditions acceptable to the United States in its sole discretion, Defendants shall enter into a Supply Agreement for the sale of bleached softwood kraft pulp and a Service Agreement for the provision of waste and wastewater disposal services to the acquirer of the Biron Mill sufficient to meet all or part of the Acquirer's needs. Price under the Supply Agreement shall be set using a methodology consistent with the methodology that Defendants historically have used in setting transfer prices for bleached softwood kraft pulp and waste and wastewater disposal services provided to the Biron Mill (in each case, with appropriate overhead costs removed). Defendants shall designate employees, other than Defendants' senior managers or employees engaged in sales and marketing, to implement any such Supply Agreement and shall prevent disclosure of any confidential, proprietary, or business-sensitive information of the Acquirer(s) to any other employees of Defendants except as necessary to implement the Supply Agreement.

I. At the option of the Acquirer(s) and on terms and conditions acceptable to the United States in its sole discretion, Defendants shall enter into a Transition Services Agreement based upon commercially reasonable terms and conditions. Such an agreement may not exceed twelve (12) months from the date of divestiture except as approved by the United States in its sole discretion. Transition services may include information technology support, information technology licensing, computer operations, data processing, logistics support, wood purchasing, and such other services as reasonably necessary to operate the Divestiture Mills. Any amendments to or modifications of the Transition Services Agreement may only be entered into

with the approval of the United States in its sole discretion.

J. Defendants shall warrant to the Acquirer(s) that there are no material defects in the environmental, zoning or other permits pertaining to the operation of each asset, and that following the sale of the Divestiture Mills, Defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Mills.

K. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV, or by Divestiture Trustee appointed pursuant to Section V, of this Final Judgment, shall include the entirety of the Divestiture Mills, and shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Mills can and will be used by the Acquirer(s) as part of a viable, ongoing business of the production, distribution and sale of coated freesheet web paper, coated groundwood paper, and cut-and-stack label paper and face sheet for pressure sensitive labels in North America. Divestiture of the Divestiture Mills may be made to one or more Acquirers, provided that in each instance it is demonstrated to the sole satisfaction of the United States that the Divestiture Mills will remain viable and the divestiture of such assets will remedy the competitive harm alleged in the Complaint. The divestitures, whether pursuant to Section IV or Section V of this Final Judgment,

(1) shall be made to an Acquirer(s) that, in the United States' sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the business of the production, distribution and sale of coated freesheet web paper, coated groundwood paper, and cut-and-stack label paper and face sheet for pressure sensitive labels; and

(2) shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer and Defendants gives Defendants the ability unreasonably to raise the costs of the Acquirer(s), to lower the efficiency of the Acquirer(s) or otherwise to interfere in the ability of the Acquirer(s) to compete effectively.

#### **V. Appointment of Divestiture Trustee**

A. If Defendants have not divested the Divestiture Mills within the time period specified in Section IV(A) of this Final Judgment, Defendants shall notify the United States of that fact in writing. Upon application of the United States,

the Court shall appoint a Divestiture Trustee selected by the United States and approved by the Court to effect the divestiture of the Divestiture Mills.

B. After the appointment of a Divestiture Trustee becomes effective, only the Divestiture Trustee shall have the right to sell the Divestiture Mills. The Divestiture Trustee shall have the power and authority to accomplish the divestiture to an Acquirer(s) acceptable to the United States at such price and on such terms as are then obtainable upon reasonable effort by the Divestiture Trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as this Court deems appropriate. Subject to Section V(D), the Divestiture Trustee may hire, at the expense of Defendants, any investment bankers, attorneys, or other agents, who shall be solely accountable to the Divestiture Trustee, reasonably necessary in the Divestiture Trustee's judgment to assist in the divestiture. Any such investment bankers, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

C. Defendants shall not object to a sale by the Divestiture Trustee on any ground other than the Divestiture Trustee's malfeasance. Any such objections by Defendants must be conveyed in writing to the United States and the Divestiture Trustee within ten (10) calendar days after the Divestiture Trustee has provided the notice required under Section VI of this Final Judgment.

D. The Divestiture Trustee shall serve at the expense of Defendants pursuant to a written agreement, on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications. The Divestiture Trustee shall account for all monies derived from the sale of the assets sold by the Divestiture Trustee and all costs and expenses so incurred. After approval by the Court of the Divestiture Trustee's accounting, including fees for its services yet unpaid and those of any professionals and agents retained by the Divestiture Trustee, all remaining money shall be paid to Defendants and the trust shall then be terminated. The compensation of the Divestiture Trustee and any professionals and agents retained by the Divestiture Trustee shall be reasonable in light of the value of the Divestiture Mills and based on a fee arrangement providing the Divestiture Trustee with an incentive based on the price and terms of the divestiture and

the speed with which it is accomplished, but timeliness is paramount. If the Divestiture Trustee and Defendants are unable to reach agreement on the Divestiture Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within fourteen (14) calendar days of appointment of the Divestiture Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Divestiture Trustee shall, within three (3) business days of hiring any other professionals or agents, provide written notice of such hiring and the rate of compensation to Defendants and the United States.

E. Defendants shall use their best efforts to assist the Divestiture Trustee in accomplishing the required divestiture. The Divestiture Trustee and any consultants, accountants, attorneys, and other agents retained by the Divestiture Trustee shall have full and complete access to the personnel, books, records, and facilities of the business to be divested, and Defendants shall develop financial and other information relevant to such business as the Divestiture Trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Divestiture Trustee's accomplishment of the divestiture.

F. After its appointment, the Divestiture Trustee shall file monthly reports with the United States and, as appropriate, the Court, setting forth the Divestiture Trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Mills, and shall describe in detail each contact with any such person. The Divestiture Trustee shall maintain full records of all efforts made to divest the Divestiture Mills.

G. If the Divestiture Trustee has not accomplished the divestiture ordered under this Final Judgment within six (6) months after its appointment, the Divestiture Trustee shall promptly file

with the Court a report setting forth (1) the Divestiture Trustee's efforts to accomplish the required divestiture, (2) the reasons, in the Divestiture Trustee's judgment, why the required divestiture has not been accomplished, and (3) the Divestiture Trustee's recommendations. To the extent such report contains information that the Divestiture Trustee deems confidential, such report shall not be filed in the public docket of the Court. The Divestiture Trustee shall at the same time furnish such report to the United States, which shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment, which may, if necessary, include extending the trust and the term of the Divestiture Trustee's appointment by a period requested by the United States.

H. If the United States determines that the Divestiture Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Divestiture Trustee.

#### **VI. Notice of Proposed Divestiture**

A. If the divestitures required herein are not made to Catalyst under the terms of a definitive divestiture agreement previously submitted to the United States, then within two (2) business days following execution of a definitive divestiture agreement, Defendants or the Divestiture Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or V of this Final Judgment. If the Divestiture Trustee is responsible, it shall similarly notify Defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Mills, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from Defendants, the proposed Acquirer(s), any other third party, or the Divestiture Trustee, if applicable, additional information concerning the proposed divestiture, the proposed Acquirer(s), and any other potential Acquirer(s). Defendants and the Divestiture Trustee shall furnish any additional information requested, except such information or documents subject to the attorney-client privilege or

work-product doctrine, within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from Defendants, the proposed Acquirer(s), any third party, and the Divestiture Trustee, whichever is later, the United States shall provide written notice to Defendants and the Divestiture Trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to Defendants' limited right to object to the sale under Section V(C) of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer(s) or upon objection by the United States, a divestiture proposed under Section IV or Section V of this Final Judgment shall not be consummated. Upon objection by Defendants under Section V(C), a divestiture proposed under Section V shall not be consummated unless approved by the Court. Notwithstanding the foregoing provisions of this Section VI, the United States, in its sole discretion, may withhold its approval of the proposed divestiture of a single Divestiture Mill until such time as the United States concludes that it can approve an Acquirer(s) for both Divestiture Mills consistent with the terms of the Final Judgment.

#### **VII. Financing**

Defendants shall not finance all or any part of any purchase made pursuant to Section IV or V of this Final Judgment.

#### **VIII. Hold Separate**

Until the divestiture required by this Final Judgment has been accomplished, Defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

#### **IX. Affidavits**

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestiture has been completed under Section IV or V of this Final Judgment, Defendants shall deliver to the United States an affidavit as to the fact and manner of its compliance with Section IV or V. Each such affidavit shall include the name,



address, and telephone number of each person who, during the preceding thirty (30) calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Mills, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts Defendants have taken to solicit buyers for the Divestiture Mills, and to provide required information to all prospective Acquirers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by Defendants, including limitation on information, shall be made within fourteen (14) calendar days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, Defendants shall deliver to the United States an affidavit that describes in reasonable detail all actions Defendants have taken and all steps Defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in Defendants' earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Mills until one year after such divestiture has been completed.

#### **X. Appointment of Monitoring Trustee**

A. Upon application of the United States, the Court shall appoint a Monitoring Trustee selected by the United States and approved by the Court.

B. The Monitoring Trustee shall have the power and authority to monitor Defendants' compliance with the terms of this Final Judgment and the Hold Separate Stipulation and Order entered by this Court, and shall have such other powers as this Court deems appropriate. The Monitoring Trustee shall be required to investigate and report on the Defendants' compliance with this Final Judgment and the Hold Separate Stipulation and Order and the Defendants' progress toward effectuating the purposes of this Final Judgment, including, but not limited to, any breach or other problem that arises under any Supply Agreement or Transition Services Agreement that may

adversely affect the accomplishment of the purposes of this Final Judgment, the reasons for such breach or problem, and recommended remedies.

C. Subject to Section X(E) of this Final Judgment, the Monitoring Trustee may hire at the cost and expense of Defendants any consultants, accountants, attorneys, or other agents, who shall be solely accountable to the Monitoring Trustee, reasonably necessary in the Monitoring Trustee's judgment. Any such consultants, accountants, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

D. Defendants shall not object to actions taken by the Monitoring Trustee in fulfillment of the Monitoring Trustee's responsibilities under any Order of this Court on any ground other than the Monitoring Trustee's malfeasance. Any such objections by Defendants must be conveyed in writing to the United States and the Monitoring Trustee within ten (10) calendar days after the action taken by the Monitoring Trustee giving rise to Defendants' objection.

E. The Monitoring Trustee shall serve at the cost and expense of Defendants pursuant to a written agreement with Defendants and on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications. The compensation of the Monitoring Trustee and any consultants, accountants, attorneys, and other agents retained by the Monitoring Trustee shall be on reasonable and customary terms commensurate with the individuals' experience and responsibilities. If the Monitoring Trustee and Defendants are unable to reach agreement on the Monitoring Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within fourteen (14) calendar days of appointment of the Monitoring Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Monitoring Trustee shall, within three (3) business days of hiring any consultants, accountants, attorneys, or other agents, provide written notice of such hiring and the rate of compensation to Defendants and the United States.

F. The Monitoring Trustee shall have no responsibility or obligation for the operation of Defendants' businesses.

G. Defendants shall use their best efforts to assist the Monitoring Trustee in monitoring Defendants' compliance

with their individual obligations under this Final Judgment and under the Hold Separate Stipulation and Order. The Monitoring Trustee and any consultants, accountants, attorneys, and other agents retained by the Monitoring Trustee shall have full and complete access to the personnel, books, records, and facilities relating to compliance with this Final Judgment, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or impede the Monitoring Trustee's accomplishment of its responsibilities.

H. After its appointment, the Monitoring Trustee shall file reports monthly for the first year and at the end of each year thereafter, or more frequently as needed, with the United States, and, as appropriate, the Court, setting forth Defendants' efforts to comply with their obligations under this Final Judgment and under the Hold Separate Stipulation and Order. To the extent such reports contain information that the Monitoring Trustee deems confidential, such reports shall not be filed in the public docket of the Court.

I. The Monitoring Trustee shall serve for two years. The Monitoring Trustee's term may be extended for one (1) additional year, in the sole discretion of the United States.

J. If the United States determines that the Monitoring Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend that the Court appoint a substitute Monitoring Trustee.

#### **XI. Compliance Inspection**

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as the Hold Separate Stipulation and Order, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendants, be permitted:

(1) access during Defendants' office hours to inspect and copy, or at the option of the United States, to require Defendants to provide hard copies or electronic copies of all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of



Defendants, relating to any matters contained in this Final Judgment; and

(2) to interview, either informally or on the record, Defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by Defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit written reports or response to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by Defendants to the United States, Defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure, and Defendants mark each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure," then the United States shall give Defendants ten (10) calendar days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

## **XII. No Reacquisition**

Defendants may not reacquire any part of the Divestiture Mills during the term of this Final Judgment.

## **XIII. Retention of Jurisdiction**

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

## **XIV. Expiration of Final Judgment**

Unless this Court grants an extension, this Final Judgment shall expire ten (10) years from the date of its entry.

## **XV. Public Interest Determination**

The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, and any comments thereon and the United States' responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date: \_\_\_\_\_

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16.

*United States District Judge*

[FR Doc. 2015-00466 Filed 1-13-15; 8:45 am]

**BILLING CODE 4410-11-P**

## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Notice of Intent To Renew the Advisory Committee on Apprenticeship (ACA) Charter**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Labor has determined that the renewal of the Advisory Committee on Apprenticeship is necessary and in the public interest. The Department of Labor intends to renew the ACA Charter with revisions. The revisions are not intended to change the purpose or the Committee's original intent. The revisions are a routine updating of the Charter to ensure closer alignment with the Department's current apprenticeship expansion goals.

**FOR FURTHER INFORMATION CONTACT:** The Designated Federal Official, Mr. John V. Ladd, Administrator, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-5311, Washington, DC 20210, Telephone: (202) 693-2796 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Registered Apprenticeship is a unique public

private partnership that is highly dependent on the engagement and involvement of its stakeholders and partners for its ongoing operational effectiveness. Apart from the ACA, there is no single organization or group with the broad representation of labor, employers, and the public available to consider the complexities and relationship of apprenticeship activities to other training efforts or to provide advice on such matters to the Secretary. It is particularly important to have such considerations at this time in light of the current national interest in apprenticeship and the Department of Labor's goal to double the number of apprentices across the country, in the next five years by expanding into a variety of non-traditional industries. The ACA's insight and recommendations on the best ways to grow apprenticeship to meet the emerging skill needs of employers is critical. For these reasons, the Secretary of Labor has determined that the renewal of a national advisory committee on apprenticeship is necessary and in the public interest. The ACA Charter is being renewed to provide advice and recommendations to the Secretary on the following: (1) The development and implementation of policies, legislation and regulations affecting the National Registered Apprenticeship system; (2) strategies that can expand the use of the Registered Apprenticeship model in non-traditional industries such as, but not limited to, Transportation/Logistics, Healthcare, Energy, Advanced Manufacturing, and Information Technology and Communications; (3) ways to more effectively partner with the public workforce system and educational institutions and communities to leverage Registered Apprenticeship as a valued post-secondary credential; including policies related to the Registered Apprenticeship College Consortium; (4) the development of career pathways that can lead to good jobs for everyone and sustained employment for new and incumbent workers, youth, Veterans, women, minorities and other under-utilized and disadvantaged populations; and (5) efforts to improve performance, quality and oversight, and utilization of the National Registered Apprenticeship system. The current ACA Charter will expire on January 15, 2017. The ACA's Charter is required to be renewed every two years. Since the Charter was last renewed in January 2013, it has been revised in three sections to ensure alignment with departmental priorities. The following three sections have been

updated (1) Objectives and Scope of Activities; (2) Estimated Annual Operating Cost and Staff Years; and (3) Membership and Designation.

### Summary of the Changes

1. *Objectives and Scope of Activities*—The objectives and scope section of the ACA Charter outlines the areas of focus where the ACA will provide advice and recommendations. The current ACA Charter states that the ACA will advise on strategies to expand apprenticeship into the Manufacturing, Energy, and the Healthcare industries. The proposed ACA Charter is being updated to reflect the industries currently being targeted for expansion and now includes Transportation/Logistics, Healthcare, Energy, Advanced Manufacturing, and Information Technology and Communications industries.

2. *Estimated Annual Operating Cost and Staff Years*—The operating costs in the proposed Charter are being increased to account for increases in travel costs, resulting from an increase in the number of ACA members from outside of the Washington, DC metropolitan area. Further cost have been updated to more accurately account for the decrease in contractor support and the subsequent increase in federal staff time utilized to support the ACA, as well as, the participation of its ex-officio federal members.

3. *Membership and Designation*—Given the apprenticeship expansion efforts, the ACA representatives will be balanced in terms of (1) points of view, (2) sectors (employers, labor and public), and (3) industries targeted for expansion. Therefore, the range of voting members is being increased from 24–27 members to 27–30 members to provide the flexibility to ensure balance is maintained and all the necessary stakeholder groups are represented. In addition, the current ACA Charter states that the ACA may consult with industry experts and others as appropriate. The proposed ACA Charter includes language to affirm that the ACA will consult with industry experts, and further clarifies that they will specifically consult with experts from the industries that are being targeted for apprenticeship expansion.

**Portia Wu,**

*Assistant Secretary for the Employment and Training Administration.*

[FR Doc. 2015–00470 Filed 1–13–15; 8:45 am]

**BILLING CODE 4510–FR–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2011–0186]

#### Inorganic Arsenic Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Inorganic Arsenic Standard (29 CFR part 1910.1018).

**DATES:** Comments must be submitted (postmarked, sent, or received) by March 16, 2015.

#### ADDRESSES:

*Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0186, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA docket number (OSHA–2011–0186) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

*Docket:* To read or download comments or other material in the

docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You also may contact Theda Kenney at the address below to obtain a copy of the ICR.

#### FOR FURTHER INFORMATION CONTACT:

Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The information collection requirements in the Inorganic Arsenic Standard provide protection for workers from the adverse health effects associated with exposure to inorganic arsenic. The Inorganic Arsenic Standard requires employers to: Monitor workers' exposure to inorganic arsenic and notify workers of exposure-monitoring results; notify anyone who cleans protective clothing or equipment of inorganic arsenic exposure; develop, update and

maintain a housekeeping and maintenance plan; monitor worker health by providing medical surveillance; post warning signs and apply labels to shipping and storage containers of inorganic arsenic; develop and maintain worker exposure monitoring and medical records; establish and implement written compliance programs; and provide workers with information about their exposures and the health effects of exposure to inorganic arsenic.

## II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

## III. Proposed Actions

The Agency is requesting an adjustment of 14,728 burden hours (from 637 to 15,365 hours) primarily due to the Agency's identification and inclusion of 688 covered coal-fired electric power plant establishments (including cogenerators) and workers at these establishments. The operation and maintenance cost increased from \$54,197 to \$1,078,069 due to the increase in establishments and workers, and also in the cost of exposure monitoring samples, medical examinations and chest x-rays. The Agency makes the new assumption that personal breathing zone samples, collected by a contract industrial hygienist and analyzed by a contract laboratory, will be used instead of vapor badges for exposure monitoring under the Standard.

*Type of Review:* Extension of a currently approved collection.

*Title:* Inorganic Arsenic Standard (29 CFR 1910.1018).

*OMB Number:* 1218-0104.

*Affected Public:* Business or other for-profits.

*Number of Respondents:* 691.

*Frequency of Response:* On occasion; quarterly; semi-annually; annually.

*Total Responses:* 24,764.

*Average Time per response:* Varies from five minutes (.08 hour) for a

secretary to develop and maintain records to eight hours for a supervisor to update each compliance plan.

*Estimated Total Burden Hours:* 15,365.

*Estimated Cost (Operation and Maintenance):* \$1,078,069.

## IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

(1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for this ICR (Docket No. OSHA-2011-0186). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350, (TTY) (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

## V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on January 7, 2015.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2015-00370 Filed 1-13-15; 8:45 am]

**BILLING CODE 4510-26-P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

### Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection of an NEA applicant survey. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

**DATES:** Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**. The NEA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Could help minimize the burden of the collection of information on those who are to respond.

**ADDRESSES:** Send comments to Jillian Miller, Director, Office of Guidelines and Panel Operations, National Endowment for the Arts, at: [guidelines@arts.gov](mailto:guidelines@arts.gov).

**Kathy Daum,**

*Director, Administrative Services, National Endowment for the Arts.*

[FR Doc. 2015-00351 Filed 1-13-15; 8:45 am]

**BILLING CODE 7537-01-P**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meeting; National Science Board

The National Science Board's *ad hoc* Committee on Honorary Awards, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a meeting for the transaction of National Science Board business, as follows:

**DATE AND TIME:** Wednesday, January 21, 2015, at 3:00 p.m. EST

**SUBJECT MATTER:** Consideration of nominations for honorary awards.

**STATUS:** Closed.

This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Please refer to the National Science Board Web site ([www.nsf.gov/nsb](http://www.nsf.gov/nsb)) for information or schedule updates, or contact: Nadine Lymn, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-7000.

**Ann Bushmiller,**

*NSB Senior Legal Counsel.*

[FR Doc. 2015-00518 Filed 1-12-15; 11:15 am]

**BILLING CODE 7555-01-P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. STN 50-454 and STN 50-455; NRC-2015-0002]**

### Exemption; Issuance; Exelon Generation Company, LLC

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a scheduling exemption in response to a December 10, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13345B157), request from Exelon Generation Company, LLC (EGC or the licensee) for a one-time exemption from the requirement to exercise its offsite emergency plan biennially with full participation by each authority having a role under the radiological response plan. The request was supplemented by letter dated June 13, 2014 (ADAMS Accession No. ML14164A328). A series of deadly tornadoes struck Illinois 3 days prior to the scheduled exercise at the Byron Station. Because of the major involvement of the State of Illinois resources in response to the tornadoes, the Illinois Emergency Management Agency (IEMA), with the agreement of the U.S. Federal Emergency Management Agency (FEMA), decided to postpone participation in the Byron Station exercise from 2013 to early 2014, which is outside of the NRC's biennial requirement.

**ADDRESSES:** Please refer to Docket ID NRC-2015-0002 when contacting the NRC about the availability of information regarding this document. You may obtain 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-2015-0002. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the NRC Library at <http://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](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (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:** Joel S. Wiebe, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-6606, email: [joel.wiebe@nrc.gov](mailto:joel.wiebe@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The following sections include the text of the exemption in its entirety as issued to EGC.

### I. Background

The licensee is the holder of Facility Operating License Nos., NPF-37 and NPF-66, issued under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, and which authorize operation of the Byron Station, Units 1 and 2. The license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the NRC now or hereafter in effect. The facility consists of two pressurized-water reactors located in Ogle County, Illinois.

### II. Request/Action

Per 10 CFR 50.12, "specific exemptions," the Commission may grant exemptions from the requirements of 10 CFR part 50 which: (1) Are authorized by law, (2) will not present an undue risk to the public health and safety, and (3) are consistent with the common defense and security. The Commission will not consider granting an exemption unless special circumstances as described in 10 CFR 50.12(a)(2) are present. Special circumstances are present whenever, among other things, application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

Part 50, Appendix E, Section IV.F.2.c requires that "[o]ffsite plans for each site shall be exercised biennially with full participation by each offsite authority having a role under the radiological response plan." Full participation when used in conjunction

with emergency preparedness (EP) exercises for a particular site means appropriate offsite local and State authorities and licensee personnel physically and actively take part in testing their integrated capability to adequately assess and respond to an accident at a commercial nuclear power plant. Full participation includes testing major observable portions of the onsite and offsite emergency plans and mobilization of State, local, and licensee personnel and other resources in sufficient numbers to verify the capability to respond to the accident scenario.

The Byron Station biennial exercise with full participation was scheduled for November 20, 2013. On November 17, 2013, 3 days before the exercise, a series of tornadoes struck Illinois and caused significant widespread damage throughout the state resulting in a Presidential Disaster Declaration for 15 Illinois counties. On November 18, 2013, due to the magnitude of the State and local disaster response, and its impact on resources, IEMA verbally notified FEMA that they would request postponement of participation in the Byron Station Radiological Emergency Preparedness biennial exercise.

The onsite portion and some aspects of the offsite portions of the exercise were conducted by the licensee and inspected by the NRC on November 20, 2013. Since the State was not able to participate in the exercise, Ogle and Winnebago Counties did not perform their required interface functions. Therefore, the counties did not fully participate in the exercise.

In a letter to FEMA dated December 2, 2013 (Attachment 2; ADAMS Accession No. ML13345B157), IEMA requested that FEMA postpone the exercise until calendar year (CY) 2014, citing the magnitude of the State's disaster response to the series of deadly tornadoes. By letter dated December 7, 2013 (Attachment 3; ADAMS Accession No. ML13345B157), FEMA agreed to the IEMA request to postpone the offsite portions of the biennial exercise until CY 2014.

The licensee requested on December 10, 2013 (ADAMS Accession No. ML13345B157), pursuant to 10 CFR 50.12, approval of a one-time exemption from 10 CFR part 50, Appendix E, Section IV.F.2.c. The requested exemption would allow the licensee to delay conduct of certain offsite portions of a biennial EP exercise from November 23, 2013, to February 2014.

The licensee stated in their request that the IEMA and the Ogle and Winnebago Counties have indicated that it was not feasible to reschedule the

specific offsite functions that remain to be exercised prior to the end of CY 2013.

The postponed aspects at the offsite portions of the exercise were conducted by the licensee on February 6, 2014, and were evaluated by FEMA.

### III. Discussion

#### A. Authorized by Law

Pursuant to 10 CFR 50.12(a), the Commission may grant exemptions which are, among other things, authorized by law. It may be inferred that an exemption is authorized by law if all of the conditions for granting the exemption are met (*i.e.*, will not present an undue risk to the public health and safety, consistent with the common defense and security, special circumstances are present). These factors are discussed below in Sections B, C, and D.

In addition, the NRC staff must determine whether the exemption would violate the Atomic Energy Act, National Environmental Policy Act, or other law. In this case, the exemption removes for purposes of the 2013 exercise the requirement in 10 CFR part 50, Appendix E, Section IV.F.2.c, to conduct the exercise biennially. The frequency is not specified by any law and the NRC staff has not identified any legal prohibition to the exemption. The change from annual to biennial exercise frequency was a result of rulemaking in 1984 (Final Rule, Emergency Planning and Preparedness (49 FR 27733–35; July 6, 1984)), when after considering: (1) Experience with 150 exercises; (2) the fact that State and local governments exercise their emergency response capabilities frequently by responding to a variety of actual emergencies on a continuing basis; (3) the flexibility provided in a biennial frequency; and (4) FEMA's experiences showing the level of preparedness of State and local governments. Accordingly, the NRC staff has determined that granting of the licensee's proposed scheduling exemption is authorized by law.

#### B. No Undue Risk to Public Health and Safety

Pursuant to 10 CFR 50.12(a), the Commission may grant exemptions which, among other things, will not present an undue risk to public health and safety. In other words, granting the exemption does not make it more likely that an accident could adversely affect the health and safety of the public. In 1984 (Final Rule, Emergency Planning and Preparedness (49 FR 27733–35; July 6, 1984)), when the Commission changed the exercise frequency from

annual to biennial, the Commission considered whether increasing the time between exercises would result in making personnel and equipment less effective or reliable and therefore reduce the level of safety. The Commission concluded that "Because emergency response personnel at the State and local government level continuously respond to actual emergencies, the Commission does not consider that relaxing the frequency of State and local government participation in emergency preparedness exercises would adversely affect the health and safety of the public." Since the last biennial EP exercise on July 27, 2011, the licensee has conducted 47 onsite training drills/exercises/demonstrations and 34 offsite training sessions that have involved interface with State and/or local authorities. These drills and training sessions did not exercise all of the proposed rescheduled offsite functions, but they do support the licensee's assertion that it has a continuing level of engagement with the State and local authorities to maintain interfaces. The NRC staff considers the intent of this requirement is met by having conducted these series of drills and training sessions. Additionally, since the July 27, 2011, Byron Station exercise, the IEMA has satisfactorily participated in three full participation FEMA evaluated exercises at other Illinois EGC plants in Illinois. By letter dated June 13, 2014, the licensee stated that the proposed exemption is not a reduction in effectiveness of the Byron Station emergency plan.

Based on the above information showing the extent of the State and local authority participation in training and level of coordination with the licensee, the NRC Staff concludes that the one-time exemption to delay portions of the biennial EP exercise at the Byron Station poses no undue risk to public health and safety.

#### C. Consistent With the Common Defense and Security

The requested exemption would allow rescheduling of the specific offsite portions of the biennial EP exercise from the previously scheduled date of November 20, 2013, until February 2014. Even with the exemption granted, the Byron Station will continue to be required to meet the substantial terms and conditions in the licenses. The exemption merely allows for a delay of some portions of an emergency response exercise, with no direct impact on regulations and requirements associated with common defense and security. Therefore, the granting of the exemption

is consistent with the common defense and security.

#### *D. Special Circumstances*

The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances, per 10 CFR 50.12(a)(2)(ii), are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." Section IV.F.2.c of 10 CFR part 50, Appendix E, requires licensees to exercise offsite plans biennially with full or partial participation by each offsite authority having a role under the plan. The underlying purpose of 10 CFR 50, Appendix E, Section IV.F.2.c, requiring licensees to exercise offsite plans with offsite authority participation, is to test and maintain interfaces among affected State and local authorities, and the licensee. The circumstances at Byron Station show that maintaining the requirement to perform the biennial test during 2013 is not necessary to achieve the underlying purpose of the rule because, as described below, the offsite responders' capabilities and interface with the licensee have been tested.

Although no NRC findings were identified at the previous biennial EP exercise conducted on July 27, 2011, FEMA did identify two Areas Requiring Corrective Actions (ARCAs). The State of Illinois received an ARCA under Evaluation Area 2, "Radiological Assessment and Protective Action Recommendations and Decisions for the Plume Phase of the Emergency" from FEMA. This ARCA was demonstrated successfully and closed by FEMA for the State of Illinois during the Clinton Power Station exercise on November 2, 2011. In addition, Ogle County received an ARCA under Evaluation Area 3, "Implementation of Protective Actions for Special Populations, School Evacuation." Training was conducted with the Ogle County Regional Office of Education, EGC, and the State of Illinois to resolve this issue. This ARCA was expected to be resolved during the November 20, 2013. As previously discussed, the licensee has conducted 47 onsite training drills/exercises/demonstrations and 34 offsite training sessions that have involved interface with State and/or local authorities in 2011 through 2013. The NRC staff considers that these measures are adequate to test and maintain interfaces with affected State and local authorities during this period, satisfying the underlying purpose of the rule. Thus, the special circumstances required by

10 CFR 50.12(a)(2)(ii) are present in that application of the biennial test requirement during 2013 is not necessary to achieve the purpose of the rule.

There is an additional special circumstance present under 10 CFR 50.12(a)(2)(v). Specifically, the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation, but the scheduled exercise was interrupted by tornadoes. The requested exemption to conduct the specific offsite portions of the biennial EP exercise in early 2014, instead of 2013, would grant only temporary relief from the applicable regulation until the end of February 2014. The 47 onsite training drills/exercises/demonstrations involving interface with State and local authorities conducted in 2011, 2012, and 2013, demonstrate the licensee's good faith efforts to comply with the regulation. In addition, the licensee's inability to meet the Appendix E requirement was due to circumstances beyond its control (*i.e.*, the impact of widespread tornado disaster response on State resources and the State's need to postpone its participation until CY 2014). The licensee scheduled the exercise and arranged for the necessary participants before the storms hit. Therefore, the licensee has made a good faith effort to comply with the regulation. Thus, the special circumstances required by 10 CFR 50.12(a)(2)(v) are also present.

Based on the above, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and (v), exist to grant the requested exemption.

#### **IV. Environmental Considerations**

The Commission has found that issuing an exemption to the requirements of a regulation does not individually or cumulatively have a significant effect on the human environment provided that 10 CFR 51.22(c)(25) is met in that: (i) There is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve, among other things, scheduling requirements.

An exemption involves no significant hazards consideration under 10 CFR 50.92(c) if operation of the facility in accordance with the proposed exemption would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed exemption to postpone the Byron Station EP exercise from November 23, 2013, to February 2014, does not increase the probability of an accident because EP exercises are not initiators of any design-basis event. Additionally, the proposed exemption does not involve any physical changes to plant systems, structures, or components (SSCs), or the manner in which these SSCs are maintained or controlled. Therefore, the proposed exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed exemption does not alter the physical design, safety limits, or safety analysis assumptions associated with the operation of Byron Station. Accordingly, the proposed exemption does not introduce any new accident initiators, nor does it reduce or adversely affect the capabilities of any plant structure or system in the performance of their safety function. Therefore, the proposed exemption does not create the possibility of a new or different kind of accident from any previously evaluated. The proposed exemption does not impact the assumptions of any design basis accident, and does not alter assumptions relative to the mitigation of an accident or transient event. Therefore, the proposed exemption does not involve a significant reduction in a margin of safety. Accordingly, the NRC staff has determined that the three standards of 10 CFR 50.92(c) are satisfied, and the exemption request involves no significant hazards consideration, and 10 CFR 51.22(c)(25)(i) is satisfied.

In reviewing the other factors in 10 CFR 51.22(c)(25), the NRC staff determined that the proposed exemption changes the EP exercise from November 23, 2013, to February 2014, involves no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; increase in individual or cumulative occupational radiation exposure; construction impact; and increase in the potential for or consequences from radiological

accidents. Therefore, 10 CFR 51.22(c)(25)(ii)–(v) are satisfied.

The NRC staff has further determined that the requirements from which the exemption is sought involve the factors associated with 10 CFR 51.22(c)(25)(vi)(G) scheduling requirements. Specifically, the proposed exemption changes the EP exercise from November 23, 2013, to February 2014. Therefore, the criteria specified in 10 CFR 51.22(c)(25)(vi)(G) is satisfied. Accordingly, the exemption meets the eligibility criteria for exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment is required to be prepared with the issuance of the exemption.

## V. Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, the special circumstances required by 10 CFR 50.12(a)(ii) and (v), are present. Therefore, pursuant to 10 CFR 50.12(a)(ii) and (v), the Commission hereby grants EGC a one-time exemption from the requirements of 10 CFR part 50, Appendix E, Section IV.F.2.c., to conduct the specific offsite portion of the Byron Station biennial EP exercise required for 2013. The one-time exemption permits the specific offsite portion of the exercise to be conducted in coordination with FEMA, NRC Region III, and Byron Station as scheduled in February 2014. As noted above, the postponed aspects at the offsite portions of the exercise were conducted by the licensee on February 6, 2014.

Dated at Rockville, Maryland, this 22nd day of December 2014.

For the Nuclear Regulatory Commission,  
**Michele G. Evans,**

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015–00449 Filed 1–13–15; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271; NRC–2015–0004]

### Entergy Nuclear Operations, Inc., Vermont Yankee Nuclear Power Station Post-Shutdown Decommissioning Activities Report

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for comment and public meeting.

**SUMMARY:** On December 23, 2014, the U.S. Nuclear Regulatory Commission (NRC) received the Post-Shutdown Decommissioning Activities Report (PSDAR) and the Site-Specific Decommissioning Cost Estimate (DCE) dated December 19, 2014, for the Vermont Yankee Nuclear Power Station (VY). The PSDAR, which includes the DCE, provides an overview of Entergy Nuclear Operations, Inc. (Entergy or the licensee), planned decommissioning activities, schedule, projected costs, and environmental impacts for VY. The NRC is requesting public comments on Entergy's PSDAR and DCE and will hold a public meeting to discuss the PSDAR and DCE.

**DATES:** Submit comments by March 23, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

**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–2015–0004. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: [Carol.Gallagher@nrc.gov](mailto: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:** James Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–4125, email: [James.Kim@nrc.gov](mailto:James.Kim@nrc.gov).

## SUPPLEMENTARY INFORMATION:

### I. Obtaining Information and Submitting Comments

#### A. Obtaining Information

Please refer to Docket ID NRC–2015–0004 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–2015–0004.

- *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](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

#### B. Submitting Comments

Please include Docket ID NRC–2015–0004 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. Discussion

Entergy is the holder of Renewed Facility Operating License No. DPR–28. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC



now or hereafter in effect. The facility consists of a boiling-water reactor located in Windham County, Vermont.

By letter dated September 23, 2013 (ADAMS Accession No. ML13273A204), Entergy submitted Notification of Permanent Cessation of Power Operations for VY. In this letter, Entergy provided notification to the NRC of its intent to permanently cease power operation at the end of the current operating cycle, which is expected to occur in the fourth calendar quarter of 2014. In addition, Entergy indicated their intent to supplement the letter certifying the date on which operations have ceased, or will cease, in accordance with § 50.82(a)(1)(i) of Title 10 of the *Code of Federal Regulations* (10 CFR) and 10 CFR 50.4(b)(8).

On December 19, 2014, Entergy submitted the PSDAR and DCE for VY in accordance with § 50.82(a)(4)(i) (ADAMS Accession No. ML14357A110). The PSDAR includes a description of the planned decommissioning activities, a proposed schedule for their accomplishment, the site-specific DCE (submitted concurrently), and a discussion that provides the basis for concluding that the environmental impacts associated with the site-specific decommissioning activities will be bounded by appropriate, previously issued generic and plant-specific environmental impact statements.

### III. Request for Comment and Public Meeting

The NRC is requesting public comments on the PSDAR and DCE for VY. The NRC will conduct a public meeting to discuss the PSDAR and DCE and receive comments on Wednesday, February 19, 2015, from 6 p.m. until 9 p.m., Eastern Standard Time, at the Quality Inn, 1380 Putney Road, Brattleboro, VT 05301. For additional information regarding the meeting, see the NRC's Public Meeting Schedule Web site at <http://meetings.nrc.gov/pmns/mtg>. The agenda will be posted no later than 10 days prior to the meeting.

Dated at Rockville, Maryland, this 6th day of January, 2015.

For the Nuclear Regulatory Commission.

**Douglas A. Broaddus,**

*Chief, Plant Licensing IV-2 and Decommissioning Transition Branch, Division of Operator Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015-00450 Filed 1-13-15; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for Review: Request for Change to Unreduced Annuity, RI 20-120, 3206-0245

**AGENCY:** Office of Personnel Management.

**ACTION:** 30-Day notice and request for comments.

**SUMMARY:** The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection (ICR) 3206-0245, Request for Change to Unreduced Annuity. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on July 16, 2014 at 79 FR 41601, allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

**DATES:** Comments are encouraged and will be accepted until February 13, 2015. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov) or faxed to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov) or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

RI 20-120 is designed to collect information the Office of Personnel Management needs to comply with the wishes of the retired Federal employee whose marriage has ended. This form provides an organized way for the retiree to give us everything at one time.

### Analysis

*Agency:* Retirement Operations, Retirement Services, Office of Personnel Management.

*Title:* Request for Change to Unreduced Annuity.

*OMB Number:* 3206-0245.

*Frequency:* On occasion.

*Affected Public:* Individuals or households.

*Number of Respondents:* 5,000.

*Estimated Time per Respondent:* 30 minutes.

*Total Burden Hours:* 2,500.

U.S. Office of Personnel Management.

**Katherine Archuleta,**

*Director.*

[FR Doc. 2015-00416 Filed 1-13-15; 8:45 am]

BILLING CODE 6325-38-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74016; File No. SR-BOX-2015-01]

### Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend IM-5050-6 to BOX Rule 5050 (Short Term Option Series Program)

January 8, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 7, 2015, BOX Options Exchange LLC (the "Exchange") filed with the Securities

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend IM-5050-6 to BOX Rule 5050 (Short Term Option Series Program) to extend current \$0.50 strike price intervals in non-index options to short term options with strike prices less than \$100. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at <http://boxexchange.com>.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

#### **A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

##### **1. Purpose**

The Exchange proposes to amend IM-5050-6 to BOX Rule 5050 to extend current \$0.50 strike price intervals in non-index options to short term options with strike prices less than \$100. This is a competitive filing that is based on a proposal recently submitted by the International Securities Exchange, LLC ("ISE").<sup>3</sup>

The Exchange proposes to amend its rules governing the Short Term Option Series Program to introduce finer strike price intervals for certain short term options. In particular, the Exchange proposes to amend IM-5050-6 to extend \$0.50 strike price intervals in non-index options to short term options with strike prices less than \$100 instead of the

current \$75. This proposed change is intended to eliminate gapped strikes between \$75 and \$100 that result from conflicting strike price parameters under the Short Term Option Series and \$2.50 Strike Price Programs as described in more detail below.

Under the Exchange's rules, the Exchange may list short term options in up to fifty option classes in addition to option classes that are selected by other securities exchanges that employ a similar program under their respective rules.<sup>4</sup> On any Thursday or Friday that is a business day, the Exchange may list short term option series in designated option classes that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly or quarterly options expire.<sup>5</sup> These short term option series trade in \$0.50, \$1, or \$2.50 strike price intervals depending on the strike price and whether the option trades in dollar increments in the related monthly expiration.<sup>6</sup> Specifically, short term options in non-index option classes admitted to the Short Term Options Series Program currently trade in: (1) \$0.50 or greater intervals for strike prices less than \$75, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) \$1 or greater intervals for strike prices that are between \$75 and \$150; and (3) \$2.50 or greater intervals for strike prices above \$150.<sup>7</sup>

The Exchange also operates a \$2.50 Strike Price Program that permits the Exchange to select up to sixty options classes on individual stocks to trade in \$2.50 strike price intervals, in addition to option classes selected by other securities exchanges that employ a similar program under their respective rules.<sup>8</sup> Monthly expiration options in classes admitted to the \$2.50 Strike Price Program trade in \$2.50 intervals where the strike price is (1) greater than \$25 but less than \$50; or (2) between \$50 and \$100 if the strikes are no more than \$10 from the closing price of the underlying stock in its primary market on the preceding day.<sup>9</sup> These strike price parameters conflict with strike prices allowed for short term options as dollar strikes between \$75 and \$100 otherwise allowed under the Short Term Option Series Program may be within \$0.50 of strikes listed pursuant to the

\$2.50 Strike Price Program. In order to remedy this conflict, the Exchange proposes to extend the \$0.50 or greater strike price intervals currently allowed for short term options with strike prices less than \$75 to short term options with strike prices less than \$100. With this proposed change, short term options in non-index option classes will trade in: (1) \$0.50 or greater intervals for strike prices less than \$100, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) \$1 intervals for strike prices that are between \$100 and \$150; and (3) \$2.50 or greater intervals for strike prices above \$150.

##### **2. Statutory Basis**

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),<sup>10</sup> in general, and Section 6(b)(5) of the Act,<sup>11</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

During the month prior to expiration, the Exchange is permitted to list related monthly option contracts in the narrower strike price intervals available for short term option series.<sup>12</sup> After transitioning to short term strike price intervals, however, monthly options that trade in \$2.50 intervals between \$50 and \$100 under the \$2.50 Strike Price Program, trade with dollar strikes between \$75 and \$150. Due to the overlap of \$1 and \$2.50 intervals, the Exchange cannot list certain dollar strikes between \$75 and \$100 that conflict with the prior \$2.50 strikes. For example, if the Exchange initially listed monthly options on ABC with \$75, \$77.50, and \$80 strikes, the Exchange could list the \$76 and \$79 strikes when these transition to short term intervals. The Exchange would not be permitted to list the \$77 and \$78 strikes, however, as these are \$0.50 away from the \$77.50 strike already listed on the Exchange. This creates gapped strikes between \$75 and \$100, where investors are not able to trade otherwise allowable dollar strikes on the Exchange. Similarly, these conflicting strike price parameters

<sup>4</sup> See IM-5050-6(b)(1) to Rule 5050.

<sup>5</sup> See IM-5050-6(a) to Rule 5050.

<sup>6</sup> See IM-5050-6(b)(5) to Rule 5050.

<sup>7</sup> *Id.*

<sup>8</sup> See IM-5050-3 to Rule 5050.

<sup>9</sup> *Id.* The term "primary market" is defined in Rule 100(a)(49) as the principal market in which an underlying security is traded.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> See IM-5050-6(b)(5) to Rule 5050.

<sup>3</sup> See Securities Exchange Act Release No. 73633 (November 18, 2014), 79 FR 69974 (November 24, 2014) (Notice of Filing SR-ISE-2014-52).

create issues for investors who want to roll their positions from monthly to weekly expirations. In the example above, for instance, an investor that purchased a monthly ABC option with a \$77.50 strike price would not be able to roll that position into a later short term expiration with the same strike price as that strike is unavailable under current Short Term Option Series Program rules. Permitting \$0.50 intervals for short term options up to \$100 would remedy both of these issues as strikes allowed under the \$2.50 Strike Price Program would not conflict with the finer \$0.50 strike price interval.

The Short Term Option Series Program has been well-received by market participants and the Exchange believes that introducing finer strike price intervals for short term options with strike prices between \$75 and \$100, and thereby eliminating the gapped strikes described above, will benefit these market participants by giving them more flexibility to closely tailor their investment and hedging decisions.

With regard to the impact of this proposal on system capacity, the Exchange 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. The Exchange believes that its members will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation of liquidity.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to a filing submitted by ISE.<sup>13</sup> To the contrary, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Additionally, the Exchange believes that the proposed rule change is necessary to permit fair competition among the options exchanges with

respect to Short Term Option Series Programs.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>14</sup> and Rule 19b-4(f)(6) thereunder.<sup>15</sup>

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will ensure fair competition among exchanges by allowing the Exchange to extend the \$0.50 strike price intervals currently allowed for short term options with strike prices less than \$75 to short term options with strike prices less than \$100 contemporaneously with ISE. For this reason, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest; and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposed rule change to be operative upon filing.<sup>16</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BOX-2015-01 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-BOX-2015-01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BOX-2015-01 and should be submitted on or before February 4, 2015.

<sup>13</sup> See *supra*, note 3.

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>15</sup> 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

<sup>16</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015-00378 Filed 1-13-15; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74017; File No. SR-NYSEMKT-2014-116]

### Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change To Amend Rule 967NY and To Adopt Rule 967.1NY To Provide Price Protection for Market Maker Quotes

January 8, 2015.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”)<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on December 29, 2014, NYSE MKT LLC (the “Exchange” or “NYSE MKT”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 967NY (Price Protection) and to adopt Rule 967.1NY to provide price protection for Market Maker quotes. The text of the proposed rule change is available on the Exchange’s Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries,

set forth in sections A, B, and C below, of the most significant parts of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange is proposing to amend Rule 967NY and to adopt Rule 967.1NY to provide price protection for Market Maker quotes. The Exchange currently offers price protection mechanisms for orders and, at this time, is proposing to expand its mechanisms to make price protection available for Market Maker quotes as well. The Exchange believes that this proposed enhancement would assist with the maintenance of fair and orderly markets by averting the risk of Market Maker quotes sweeping through multiple price points resulting in executions at prices that are through the last sale price or National Best Bid or Best Offer (“NBBO”) and potentially erroneous.

Rule 967NY, which applies solely to orders, affords price protection to orders priced a specified percentage through the prevailing contra-side market.<sup>4</sup> Specifically, Rule 967NY(b) provides a price protection filter for incoming limit orders, pursuant to which the Exchange rejects limit orders priced a specified percentage<sup>5</sup> through the NBB or NBO (“Limit Order Filter”).<sup>6</sup> To clarify that Rule 967NY applies only to orders, the Exchange proposes [sic] append the word “Orders” to the Rule 967NY header to provide “Rule 967NY. Price Protection—Orders.” The Exchange believes that this proposed change would reduce any potential confusion regarding the applicability of Rule 967NY.

##### Proposed Market Maker Quote Price Protection

To further enhance the price protection functionality available on the Exchange, the Exchange proposes to adopt a new rule, Rule 967.1NY, that

would provide for a price protection mechanism for quotes entered by a Market Maker. To be clear that the proposed rule is for Market Maker quotes only, and consistent with the proposed change to the title for Rule 967NY, the Exchange proposes to title this new rule “Price Protection—Quotes.” In addition, Rule 967.1NY(a) would provide that the proposed price protection filters would be applicable only for quotes entered by a Market Maker pursuant to Rule 925.1NY and would not be applicable to orders entered by a Market Maker.<sup>7</sup>

To take into consideration the unique role of Market Makers to enter two-sided quotations in their appointments, the Exchange proposes to provide for two layers of price protection that would be applicable to all incoming Market Maker quotes. As discussed in detail below, the first layer of price protection would assess incoming sell quotes against the National Best Bid (“NBB”) and incoming buy quotes against the National Best Offer (“NBO”). The second layer of price protection would assess the price of call or put bids against a specified benchmark.

##### NBBO Price Reasonability Check

Proposed Rule 967.1NY(a)(1) would set forth the Exchange’s proposed NBBO price reasonability check, which would compare Market Maker bids with the NBO and Market Maker offers with the NBB. This proposed price protection is [sic] mechanism is similar to the Limit Order Filter. Specifically, provided that an NBBO is available, a Market Maker quote would be rejected if it is priced a specified dollar amount or percentage through the contra-side NBBO as follows:

(A) \$1.00 for Market Maker bids when the contra-side NBO is priced at or below \$1.00; or

(B) 50% for Market Maker bids (offers) when the contra-side NBO (NBB) is priced above \$1.00.

The Exchange would reject inbound Market Maker quotes that exceed the parameters set forth in proposed Rule 967.1NY(a)(1)(A)–(B) as presumptively erroneous. The Exchange believes that the proposed percentages are appropriate because they are based on the percentages already approved for the Limit Order Filter and are thus calibrated to enable the Exchange to reject quotes that otherwise may cause price dislocation before the erroneous quotes could cause harm to the market. The Exchange is also proposing a specific dollar threshold for when the

<sup>7</sup> Orders entered by a Market Maker are covered by Rule 967NY.

<sup>17</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> The Exchange adopted Rule 967NY in 2013. See Exchange Rule 967NY; see also Securities Exchange Act Release No. 70037 (July 25, 2013), 78 FR 46399 (July 31, 2013) (NYSEMKT-2013-62).

<sup>5</sup> Pursuant to Rule 967NY(b), unless determined otherwise by the Exchange and announced to ATP Holders via Trader Update, the specified percentage is 100% for the contra-side NBB or NBO priced at or below \$1.00 and 50% for contra-side NBB or NBO priced above \$1.00.

<sup>6</sup> Until recently the Limit Order Filter was only applicable to orders received during Core Trading Hours, but the Exchange has expanded this price protection feature to limit orders received before the opening of trading. See Securities Exchange Act Release No. 73024 (September 9, 2014), 79 FR 55049 (September 15, 2014) (SR-NYSEMKT-2014-76).

NBO is priced at or below \$1.00 because the Exchange believes that the specified dollar amount provides more granular price protection than a percentage-based protection. For example, if the NBO were \$0.06, when using a 100% filter, the Exchange would be required to reject any bids priced \$0.12 or more. For such low-priced NBOs, the Exchange believes it is appropriate to provide Market Makers with the ability to enter quotes at least \$1.00 higher than the prevailing NBO.<sup>8</sup>

In addition, pursuant to proposed Rule 967.1NY(a)(1)(A), Market Maker offers that arrive when the NBB is priced at or below \$1.00 would not be subject to this filter. The Exchange believes that when the NBB is priced at or below \$1.00, the price of an offer

would be bound by \$0.00, and therefore an offer would always be less than \$1.00 away from the NBB. Such offer prices would likely not be erroneous and therefore the Exchange does not believe it necessary to reject such Market Maker offers.

Because there may be market scenarios that require the proposed parameters to be adjusted, for example, during periods of extreme price volatility, the Exchange further proposes to specify that the Exchange may revise these parameters, provided such revised parameters are announced to ATP Holders via a Trader Update.<sup>9</sup>

As an additional safeguard and risk-control feature, if a Market Maker quote is rejected pursuant to paragraph (a)(1) of this proposed Rule, the Exchange

would also cancel any resting same-side quote in the affected series from that Market Maker.<sup>10</sup> The Exchange believes it is appropriate to reject any resting same-side quote because when a Market Maker submits a new quote, that Market Maker is implicitly instructing the Exchange to cancel any resting quote in that same series. Thus, even if the new quote is rejected because it is priced a specified dollar amount or percentage through the contra-side NBBO, in violation of proposed Rule 967.1NY(a)(1), the Market Maker's implicit instruction to cancel the resting quote remains valid nonetheless.

The following examples, which are based on the below market scenario, illustrate how the proposed Rule 967.1NY(a) would operate:

Option series	NBBO	Option series	NBBO
December \$30 Calls .....	\$9.90 × \$11.00 .....	December \$30 Puts .....	\$0.06 × \$0.10.
December \$35 Calls .....	\$6.00 × \$6.20 .....	December \$35 Puts .....	\$0.60 × \$0.65.
December \$40 Calls .....	\$2.82 × \$2.85 .....	December \$40 Puts .....	\$2.30 × \$2.40.

*Example 1—Proposed Rule 967.1NY(a)(1)(A): \$1.00 for Market Maker bids if the contra-side NBO is priced at or below \$1.00.* A Market Maker submits a \$1.50 bid for the December \$30 puts where the NBO is \$0.10. As this is \$1.00 or more above the NBO (\$0.10 plus \$1.00 = \$1.10), the Exchange would reject the Market Maker bid.

*Example 2—Proposed Rule 967.1NY(a)(1)(A): Market Maker offers that arrive when the NBB is priced at or below \$1.00 are not subject to this filter.* From the options chain above, the options that have a NBB at or below \$1.00 are the December \$30 and \$35 puts. As these options have a NBB below \$1.00 (and the offer is bound by \$0.00—less than \$1.00 away from the NBB), there are no price protection filters and Market Maker offers in these options would be subject to standard quote processing without delay.

*Example 3—Proposed Rule 967.1NY(a)(1)(B): 50% for Market Maker bids when the contra-side NBO is priced above \$1.00.* A Market Maker submits a bid of \$9.30 for the December \$35 calls where the NBO is \$6.20. As this is 50% greater than the NBO (\$6.20 plus 50% = \$9.30), the Exchange would reject the Market Maker bid.

*Example 4—Proposed Rule 967.1NY(a)(1)(B): 50% for Market Maker offers when the contra-side NBB is*

*priced above \$1.00.* A Market Maker submits a \$0.60 offer for the December \$40 calls when the NBB is \$2.82. As this is 50% or more below the NBB (\$2.82 minus 50% = \$1.41), the Exchange would reject the Market Maker offer as erroneous.

#### Underlying Stock Price/Strike Price Check

Proposed Rule 967.1NY(a)(2) and (3) would set forth the Exchange's proposed second layer of price protection filters for Market Maker quotes. These price protection mechanisms would be applicable when either there is no NBBO available, for example, during pre-opening or prior to conducting a re-opening after a trading halt, or if the NBBO is so wide as to not to reflect an appropriate price for the respective options series.

Proposed Rule 967.1NY(a)(2) would provide price protection for Market Maker bids in call options. As proposed, if such bids equal or exceed the price of the underlying security, the Market Maker bid would be rejected.<sup>11</sup> With a call bid, a Market Maker is bidding to buy an option that would be exercised into the right to acquire the underlying security. The Exchange does not believe that a derivative product, which conveys the right to purchase a security underlying the derivative, should ever be priced higher than the prevailing

price of the underlying security itself. Accordingly, the Exchange believes it is appropriate to reject Market Maker bids for call options that are equal to or in excess of the price of the underlying security.

As proposed in new Rule 967.1NY(a)(2)(A), before the underlying security is open, the Exchange would use the previous day's closing price to determine the price of the underlying security. The Exchange proposes to use the prior day's closing price because, although the underlying securities may trade in the equities markets outside of 9:30 a.m. ET to 4:00 p.m. ET, the equities market is generally not as liquid during this time and equity market makers generally do not have quoting obligations in after-hours trading. Therefore, the Exchange believes that using the previous day's closing price—based on trading during Core Trading Hours, when the market is most liquid—provides a more accurate benchmark and thus a more precise price protection filter for underlying securities that have not yet opened. Per proposed Rule 967.1NY(a)(2)(B), once the underlying security has opened, the Exchange would use the consolidated last sale price to determine the price of the underlying security. Per proposed Rule 967.1NY(a)(2)(C), during a trading halt of the underlying security, the Exchange would use the consolidated last sale

<sup>8</sup> The Exchange notes that it continually assesses whether its price protection mechanisms are appropriately calibrated and if it proposes to amend

the percentages for the Limit Order Filter, it would do so by means of a separate rule filing.

<sup>9</sup> See proposed Rule 967.1NY(a)(1)(A)–(B) (setting forth the specified dollar amount or percentages

“unless determined otherwise by the Exchange and announced to ATP Holders via Trader Update”).

<sup>10</sup> See proposed Rule 967.1NY(b).

<sup>11</sup> See proposed Rule 967.1NY(a)(2).

reported immediately prior to the trading halt to determine the price of the underlying security. The Exchange believes that the consolidated last sale price for an underlying security that has already opened would provide the most accurate benchmark because the market is most liquid during Core Trading Hours.

Proposed Rule 967.1NY(a)(3) would provide for price protection for Market Maker bids in put options. The value of a put can never exceed the strike price of the option, even if the stock goes to zero. For example, a put with a strike price of \$50 gives the holder the right to sell the underlying security for \$50 (no more, or no less), therefore it would be illogical to pay more than \$50 for the right to sell that underlying security, no matter what the price of the underlying security. As proposed, the Exchange would deem any put bid that equals or exceeds the strike price of the option series to be erroneous and the Exchange believes it would be appropriate to reject such bids.<sup>12</sup>

As an additional safeguard and risk control feature, when a Market Maker quote is rejected pursuant to paragraph (a)(2) or (a)(3) of this Rule, the Exchange would also cancel all resting quote(s) in the affected class(es) from that Market Maker and shall not accept new quote(s) in the affected class(es) until the Market Maker submits a message (which may be automated) to the Exchange to enable the entry of new quotes.<sup>13</sup> The Exchange believes that this temporary suspension from quoting in the affected option class(es) would operate as a safety valve that forces Market Makers to re-evaluate their positions before requesting to re-enter the market.

Consider the following examples which are based on the following:  
Underlying Security Price = \$50  
December \$50 Calls—December \$50 Puts  
December \$70 Calls—December \$70 Puts

*Example 1—Proposed Rule 967.1NY(a)(2)(B): MM bid for Call rejected if the price of bid is equal to or greater than the price of the underlying security.* A Market Maker submits a quote that contains a \$53 bid for the December \$50 calls. With the underlying security having a last sale price of \$50, the Exchange would deem any bid for \$50 or more (for the right to buy stock at \$50) as erroneous and would therefore reject the bid(s).<sup>14</sup>

*Example 2—Proposed Rule 967.1NY(a)(3): MM bid for Put rejected if the price of bid is equal to or greater than the strike price of the option.* A Market Maker submits a quote that contains a \$70 bid for the December \$70 puts. The most the December \$70 puts could ever be worth is \$70 even if the underlying security goes to zero. The Exchange would deem any bid to pay \$70 or more for the December \$70 puts to be an erroneous quote and would therefore reject the put bid.<sup>15</sup>

The Exchange believes that the proposed extension of the Exchange's price protection functionality to Market Maker quotes would assist with the maintenance of fair and orderly markets by averting the risk of Market Maker quotes sweeping through multiple price points resulting in executions at prices that are through the last sale price or NBBO and potentially erroneous. The Exchange notes that it retains the ability to disable these price protection features in response to market events.<sup>16</sup>

#### Implementation

The Exchange will announce the implementation date of the proposed rule change via Trader Update. The Trader Update will be issued at least 30 days prior to implementation to help ensure participants, in particular Market Makers, have sufficient notice prior to introducing the new functionality.

#### 2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act"),<sup>17</sup> which requires the rules of an exchange to promote just and equitable principles of trade, 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 Exchange believes that this proposal meets these requirements because it would assist with the maintenance of a fair and orderly market by introducing new price protections that would help to mitigate the risks associated with the entry of quotes that are priced a specified dollar amount or percentage through the last sale or prevailing contra-side market,

affected class(es) until the Market Maker submits a message (which may be automated) to the Exchange to enable the entry of new quotes. See proposed Rule 967.1NY(b).

<sup>15</sup> *Id.*

<sup>16</sup> The Exchange may disable the Underlying Stock Price/Strike Price Check by security without affecting the status of the NBBO Price Reasonability Checks.

<sup>17</sup> 15 U.S.C. 78f(b).

which the Exchange believes is evidence of error. By rejecting such quotes, the Exchange believes it is promoting just and equitable principles of trade by preventing potential price dislocation that could result from erroneous Market Maker quotes sweeping through multiple price points resulting in executions at prices that are through the last sale price or NBBO. Specifically, when an NBBO is available, the Exchange believes rejecting Market Maker quotes priced a specified dollar amount or percentage through the contra-side NBBO would remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest because it would enable the Exchange to avoid the submission of erroneous quotes that otherwise may cause price dislocation before such quotes could cause harm to the market.

The Exchange believes that proposed percentages are reasonable as they are based on the percentages already approved for the Limit Order Filter. In addition, the Exchange believes that the addition of specified dollar thresholds when the NBO is equal to or below \$1.00 is consistent with the Act because it would assist with the maintenance of a fair and orderly market by offering Market Maker quotes more precise price protection. Moreover, the Exchange believes it is appropriate to place no limit on Market Maker offers that arrive when the NBB is priced at or below \$1.00 because when the NBB is priced at or below \$1.00, the price of an offer would be bound by \$0.00, and therefore an offer would always be less than \$1.00 away from the NBB—and therefore, not likely to be erroneous and not requiring price protection.

Similarly, the Exchange also believes that when no NBBO is available, the Exchange's proposed use of benchmarks to check the reasonability of Market Maker bids for call and put options would assist with the maintenance of a fair and orderly market by affording a second layer of price protection to Market Maker quotes. The Exchange believes these additional price reasonability checks on Market Maker bids would remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest because the proposed check would reject Market Maker bids that are priced higher than the corresponding benchmark, which would be the price of the underlying security for call options and the strike price for put options.

The Exchange also believes the additional risk controls that result in the cancellation of a Market Maker's resting

<sup>12</sup> See proposed Rule 967.1NY(a)(3).

<sup>13</sup> See proposed Rule 967.1NY(b).

<sup>14</sup> The Exchange would also cancel any resting quote(s) in the affected class(es) from that Market Maker and will not accept new quote(s) in the

quote and/or the temporary suspension a Market Maker's quoting activity in the affected option class(es) would remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest because it provides the Market Maker with an opportunity to re-evaluate their positions before requesting to re-enter the market. The Exchange believes that this additional safeguard would benefit investors and the public because it would provide market participants with additional protection from anomalous executions.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposal would not unduly burden any particular group of market participants trading on the Exchange vis-à-vis another group (*i.e.*, Market Makers versus non-Market Makers) as the proposal is designed to address the unique role of Market Makers to enter two-sided quotations in their appointments and would apply equally to all Market Makers. Moreover, the Exchange believes the proposal would provide market participants with additional protection from anomalous executions. Thus, the Exchange does not believe the proposal creates any significant impact on competition. The Exchange believes this proposal is pro-competitive as it may encourage Market Makers to quote tighter deeper markets, which will increase liquidity and enhance competition, given the safeties afforded by the proposed price protection filters.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEMKT-2014-116 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number *SR-NYSEMKT-2014-116*. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number *SR-NYSEMKT-2014-116* and should be submitted on or before February 4, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Brent J. Fields,**  
*Secretary.*

[FR Doc. 2015-00377 Filed 1-13-15; 8:45 am]

BILLING CODE 8011-01-P

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-74018; File No. SR-NYSEArca-2014-150]

### **Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change to Amend Rule 6.60 and to Adopt Rule 6.61, Which was Previously Reserved, to Provide Price Protection for Market Maker Quotes**

January 8, 2015.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on December 29, 2014, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Rule 6.60 (Price Protection) and to adopt Rule 6.61, which was previously Reserved, to provide price protection for Market Maker quotes. The text of the proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

<sup>18</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange is proposing to amend Rule 6.60 (Price Protection) and to adopt Rule 6.61, which was previously Reserved, to provide price protection for Market Maker quotes. The Exchange currently offers price protection mechanisms for orders and, at this time, is proposing to expand its mechanisms to make price protection available for Market Maker quotes as well. The Exchange believes that this proposed enhancement would assist with the maintenance of fair and orderly markets by averting the risk of Market Maker quotes sweeping through multiple price points resulting in executions at prices that are through the last sale price or National Best Bid or Best Offer ("NBBO") and potentially erroneous.

Rule 6.60, which applies solely to orders, affords price protection to orders priced a specified percentage through the prevailing contra-side market.<sup>4</sup> Specifically, Rule 6.60(b) provides a price protection filter for incoming limit orders, pursuant to which the Exchange rejects limit orders priced a specified percentage<sup>5</sup> through the NBB or NBO ("Limit Order Filter").<sup>6</sup> To clarify that Rule 6.60 applies only to orders, the Exchange proposes [sic] append the word "Orders" to the Rule 6.60 header to provide "Rule 6.60. Price Protection—Orders." The Exchange believes that this proposed change would reduce any potential confusion regarding the applicability of Rule 6.60.

**Proposed Market Maker Quote Price Protection**

To further enhance the price protection functionality available on the Exchange, the Exchange proposes to

adopt a new rule, Rule 6.61, which was previously Reserved, that would provide for a price protection mechanism for quotes entered by a Market Maker. To be clear that the proposed rule is for Market Maker quotes only, and consistent with the proposed change to the title for Rule 6.61, the Exchange proposes to title this new rule "Price Protection—Quotes." In addition, Rule 6.61(a) would provide that the proposed price protection filters would be applicable only for quotes entered by a Market Maker pursuant to Rule 6.37B and would not be applicable to orders entered by a Market Maker.<sup>7</sup>

To take into consideration the unique role of Market Makers to enter two-sided quotations in their appointments, the Exchange proposes to provide for two layers of price protection that would be applicable to all incoming Market Maker quotes. As discussed in detail below, the first layer of price protection would assess incoming sell quotes against the National Best Bid ("NBB") and incoming buy quotes against the National Best Offer ("NBO"). The second layer of price protection would assess the price of call or put bids against a specified benchmark.

**NBBO Price Reasonability Check**

Proposed Rule 6.61(a)(1) would set forth the Exchange's proposed NBBO price reasonability check, which would compare Market Maker bids with the NBO and Market Maker offers with the NBB. This proposed price protection is [sic] mechanism is similar to the Limit Order Filter. Specifically, provided that an NBBO is available, a Market Maker quote would be rejected if it is priced a specified dollar amount or percentage through the contra-side NBBO as follows:

(A) \$1.00 for Market Maker bids when the contra-side NBO is priced at or below \$1.00; or

(B) 50% for Market Maker bids (offers) when the contra-side NBO (NBB) is priced above \$1.00.

The Exchange would reject inbound Market Maker quotes that exceed the parameters set forth in proposed Rule 6.61(a)(1)(A)–(B) as presumptively erroneous. The Exchange believes that the proposed percentages are appropriate because they are based on the percentages already approved for the Limit Order Filter and are thus calibrated to enable the Exchange to reject quotes that otherwise may cause price dislocation before the erroneous quotes could cause harm to the market. The Exchange is also proposing a

specific dollar threshold for when the NBO is priced at or below \$1.00 because the Exchange believes that the specified dollar amount provides more granular price protection than a percentage-based protection. For example, if the NBO were \$0.06, when using a 100% filter, the Exchange would be required to reject any bids priced \$0.12 or more. For such low-priced NBOs, the Exchange believes it is appropriate to provide Market Makers with the ability to enter quotes at least \$1.00 higher than the prevailing NBO.<sup>8</sup>

In addition, pursuant to proposed Rule 6.61(a)(1)(A), Market Maker offers that arrive when the NBB is priced at or below \$1.00 would not be subject to this filter. The Exchange believes that when the NBB is priced at or below \$1.00, the price of an offer would be bound by \$0.00, and therefore an offer would always be less than \$1.00 away from the NBB. Such offer prices would likely not be erroneous and therefore the Exchange does not believe it necessary to reject such Market Maker offers.

Because there may be market scenarios that require the proposed parameters to be adjusted, for example, during periods of extreme price volatility, the Exchange further proposes to specify that the Exchange may revise these parameters, provided such revised parameters are announced to OTP Holders or OTP Firms via a Trader Update.<sup>9</sup>

As an additional safeguard and risk-control feature, if a Market Maker quote is rejected pursuant to paragraph (a)(1) of this proposed Rule, the Exchange would also cancel any resting same-side quote in the affected series from that Market Maker.<sup>10</sup> The Exchange believes it is appropriate to reject any resting same-side quote because when a Market Maker submits a new quote, that Market Maker is implicitly instructing the Exchange to cancel any resting quote in that same series. Thus, even if the new quote is rejected because it is priced a specified dollar amount or percentage through the contra-side NBBO, in violation of proposed Rule 6.61(a)(1), the Market Maker's implicit instruction to cancel the resting quote remains valid nonetheless.

The following examples, which are based on the below market scenario,

<sup>8</sup> The Exchange notes that it continually assesses whether its price protection mechanisms are appropriately calibrated and if it proposes to amend the percentages for the Limit Order Filter, it would do so by means of a separate rule filing.

<sup>9</sup> See proposed Rule 6.61(a)(1)(A)–(B) (setting forth the specified dollar amount or percentages "unless determined otherwise by the Exchange and announced to OTP Holders and OTP Firms via Trader Update").

<sup>10</sup> See proposed Rule 6.61(b).

<sup>4</sup> The Exchange adopted Rule 6.60 in 2013. See Exchange Rule 6.60; see also Securities Exchange Act Release No. 70038 (July 25, 2013), 78 FR 46392 (July 31, 2013) (NYSEArca–2013–72).

<sup>5</sup> Pursuant to Rule 6.60(b), unless determined otherwise by the Exchange and announced to OTP Holders via Trader Update, the specified percentage is 100% for the contra-side NBB or NBO priced at or below \$1.00 and 50% for contra-side NBB or NBO priced above \$1.00.

<sup>6</sup> Until recently the Limit Order Filter was only applicable to orders received during Core Trading Hours, but the Exchange has expanded this price protection feature to limit orders received before the opening of trading. See Securities Exchange Act Release No. 73026 (September 9, 2014), 79 FR 55038 (September 15, 2014) (SR–NYSEArca–2014–97).

<sup>7</sup> Orders entered by a Market Maker are covered by Rule 6.60.



illustrate how the proposed Rule 6.61(a) would operate:

Option Series	NBBO	Option Series	NBBO
December \$30 Calls .....	\$9.90 x \$11.00 .....	December \$30 Puts .....	\$0.06 x \$0.10.
December \$35 Calls .....	\$6.00 x \$6.20 .....	December \$35 Puts .....	\$0.60 x \$0.65.
December \$40 Calls .....	\$2.82 x \$2.85 .....	December \$40 Puts .....	\$2.30 x \$2.40.

*Example 1—Proposed Rule*

*6.61(a)(1)(A): \$1.00 for Market Maker bids if the contra-side NBO is priced at or below \$1.00.* A Market Maker submits a \$1.50 bid for the December \$30 puts where the NBO is \$0.10. As this is \$1.00 or more above the NBO (\$0.10 plus \$1.00 = \$1.10), the Exchange would reject the Market Maker bid.

*Example 2—Proposed Rule 6.61(a)(1)(A): Market Maker offers that arrive when the NBB is priced at or below \$1.00 are not subject to this filter.* From the options chain above, the options that have a NBB at or below \$1.00 are the December \$30 and \$35 puts. As these options have a NBB below \$1.00 (and the offer is bound by \$0.00—less than \$1.00 away from the NBB), there are no price protection filters and Market Maker offers in these options would be subject to standard quote processing without delay.

*Example 3—Proposed Rule 6.61(a)(1)(B): 50% for Market Maker bids when the contra-side NBO is priced above \$1.00.* A Market Maker submits a bid of \$9.30 for the December \$35 calls where the NBO is \$6.20. As this is 50% greater than the NBO (\$6.20 plus 50% = \$9.30), the Exchange would reject the Market Maker bid.

*Example 4—Proposed Rule 6.61(a)(1)(B): 50% for Market Maker offers when the contra-side NBB is priced above \$1.00.* A Market Maker submits a \$0.60 offer for the December \$40 calls when the NBB is \$2.82. As this is 50% or more below the NBB (\$2.82 minus 50% = \$1.41), the Exchange would reject the Market Maker offer as erroneous.

**Underlying Stock Price/Strike Price Check**

Proposed Rule 6.61(a)(2) and (3) would set forth the Exchange's proposed second layer of price protection filters for Market Maker quotes. These price protection mechanisms would be applicable when either there is no NBBO available, for example, during pre-opening or prior to conducting a re-opening after a trading halt, or if the NBBO is so wide as to not to reflect an appropriate price for the respective options series.

Proposed Rule 6.61(a)(2) would provide price protection for Market

Maker bids in call options. As proposed, if such bids equal or exceed the price of the underlying security, the Market Maker bid would be rejected.<sup>11</sup> With a call bid, a Market Maker is bidding to buy an option that would be exercised into the right to acquire the underlying security. The Exchange does not believe that a derivative product, which conveys the right to purchase a security underlying the derivative, should ever be priced higher than the prevailing price of the underlying security itself. Accordingly, the Exchange believes it is appropriate to reject Market Maker bids for call options that are equal to or in excess of the price of the underlying security.

As proposed in new Rule 6.61(a)(2)(A), before the underlying security is open, the Exchange would use the previous day's closing price to determine the price of the underlying security. The Exchange proposes to use the prior day's closing price because, although the underlying securities may trade in the equities markets outside of 9:30 a.m. ET to 4:00 p.m. ET, the equities market is generally not as liquid during this time and equity market makers generally do not have quoting obligations in after-hours trading. Therefore, the Exchange believes that using the previous day's closing price—based on trading during Core Trading Hours, when the market is most liquid—provides a more accurate benchmark and thus a more precise price protection filter for underlying securities that have not yet opened. Per proposed Rule 6.61(a)(2)(B), once the underlying security has opened, the Exchange would use the consolidated last sale price to determine the price of the underlying security. Per proposed Rule 6.61(a)(2)(C), during a trading halt of the underlying security, the Exchange would use the consolidated last sale reported immediately prior to the trading halt to determine the price of the underlying security. The Exchange believes that the consolidated last sale price for an underlying security that has already opened would provide the most accurate benchmark because the market is most liquid during Core Trading Hours.

<sup>11</sup> See proposed Rule 6.61(a)(2).

Proposed Rule 6.61(a)(3) would provide for price protection for Market Maker bids in put options. The value of a put can never exceed the strike price of the option, even if the stock goes to zero. For example, a put with a strike price of \$50 gives the holder the right to sell the underlying security for \$50 (no more, or no less), therefore it would be illogical to pay more than \$50 for the right to sell that underlying security, no matter what the price of the underlying security. As proposed, the Exchange would deem any put bid that equals or exceeds the strike price of the option series to be erroneous and the Exchange believes it would be appropriate to reject such bids.<sup>12</sup>

As an additional safeguard and risk control feature, when a Market Maker quote is rejected pursuant to paragraph (a)(2) or (a)(3) of this Rule, the Exchange would also cancel all resting quote(s) in the affected class(es) from that Market Maker and shall not accept new quote(s) in the affected class(es) until the Market Maker submits a message (which may be automated) to the Exchange to enable the entry of new quotes.<sup>13</sup> The Exchange believes that this temporary suspension from quoting in the affected option class(es) would operate as a safety valve that forces Market Makers to re-evaluate their positions before requesting to re-enter the market.

Consider the following examples which are based on the following:

Underlying Security Price = \$50  
December \$50 Calls, December \$50 Puts  
December \$70 Calls, December \$70 Puts

*Example 1—Proposed Rule 6.61(a)(2)(B): MM bid for Call rejected if the price of bid is equal to or greater than the price of the underlying security.* A Market Maker submits a quote that contains a \$53 bid for the December \$50 calls. With the underlying security having a last sale price of \$50, the Exchange would deem any bid for \$50 or more (for the right to buy stock at \$50) as erroneous and would therefore reject the bid(s).<sup>14</sup>

<sup>12</sup> See proposed Rule 6.61(a)(3).

<sup>13</sup> See proposed Rule 6.61(b).

<sup>14</sup> The Exchange would also cancel any resting quote(s) in the affected class(es) from that Market Maker and will not accept new quote(s) in the affected class(es) until the Market Maker submits a



*Example 2—Proposed Rule 6.61(a)(3): MM bid for Put rejected if the price of bid is equal to or greater than the strike price of the option.* A Market Maker submits a quote that contains a \$70 bid for the December \$70 puts. The most the December \$70 puts could ever be worth is \$70 even if the underlying security goes to zero. The Exchange would deem any bid to pay \$70 or more for the December \$70 puts to be an erroneous quote and would therefore reject the put bid.<sup>15</sup>

The Exchange believes that the proposed extension of the Exchange's price protection functionality to Market Maker quotes would assist with the maintenance of fair and orderly markets by averting the risk of Market Maker quotes sweeping through multiple price points resulting in executions at prices that are through the last sale price or NBBO and potentially erroneous. The Exchange notes that it retains the ability to disable these price protection features in response to market events.<sup>16</sup>

#### Implementation

The Exchange will announce the implementation date of the proposed rule change via Trader Update. The Trader Update will be issued at least 30 days prior to implementation to help ensure participants, in particular Market Makers, have sufficient notice prior to introducing the new functionality.

#### 2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act"),<sup>17</sup> which requires the rules of an exchange to promote just and equitable principles of trade, 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 Exchange believes that this proposal meets these requirements because it would assist with the maintenance of a fair and orderly market by introducing new price protections that would help to mitigate the risks associated with the entry of quotes that are priced a specified dollar amount or percentage through the last sale or prevailing contra-side market, which the Exchange believes is

evidence of error. By rejecting such quotes, the Exchange believes it is promoting just and equitable principles of trade by preventing potential price dislocation that could result from erroneous Market Maker quotes sweeping through multiple price points resulting in executions at prices that are through the last sale price or NBBO. Specifically, when an NBBO is available, the Exchange believes rejecting Market Maker quotes priced a specified dollar amount or percentage through the contra-side NBBO would remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest because it would enable the Exchange to avoid the submission of erroneous quotes that otherwise may cause price dislocation before such quotes could cause harm to the market.

The Exchange believes that proposed percentages are reasonable as they are based on the percentages already approved for the Limit Order Filter. In addition, the Exchange believes that the addition of specified dollar thresholds when the NBO is equal to or below \$1.00 is consistent with the Act because it would assist with the maintenance of a fair and orderly market by offering Market Maker quotes more precise price protection. Moreover, the Exchange believes it is appropriate to place no limit on Market Maker offers that arrive when the NBB is priced at or below \$1.00 because when the NBB is priced at or below \$1.00, the price of an offer would be bound by \$0.00, and therefore an offer would always be less than \$1.00 away from the NBB—and therefore, not likely to be erroneous and not requiring price protection.

Similarly, the Exchange also believes that when no NBBO is available, the Exchange's proposed use of benchmarks to check the reasonability of Market Maker bids for call and put options would assist with the maintenance of a fair and orderly market by affording a second layer of price protection to Market Maker quotes. The Exchange believes these additional price reasonability checks on Market Maker bids would remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest because the proposed check would reject Market Maker bids that are priced higher than the corresponding benchmark, which would be the price of the underlying security for call options and the strike price for put options.

The Exchange also believes the additional risk controls that result in the cancellation of a Market Maker's resting quote and/or the temporary suspension

a Market Maker's quoting activity in the affected option class(es) would remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest because it provides the Market Maker with an opportunity to re-evaluate their positions before requesting to re-enter the market. The Exchange believes that this additional safeguard would benefit investors and the public because it would provide market participants with additional protection from anomalous executions.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposal would not unduly burden any particular group of market participants trading on the Exchange vis-à-vis another group (*i.e.*, Market Makers versus non-Market Makers) as the proposal is designed to address the unique role of Market Makers to enter two-sided quotations in their appointments and would apply equally to all Market Makers. Moreover, the Exchange believes the proposal would provide market participants with additional protection from anomalous executions. Thus, the Exchange does not believe the proposal creates any significant impact on competition. The Exchange believes this proposal is pro-competitive as it may encourage Market Makers to quote tighter deeper markets, which will increase liquidity and enhance competition, given the safeties afforded by the proposed price protection filters.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

message (which may be automated) to the Exchange to enable the entry of new quotes. See proposed Rule 6.61(b).

<sup>15</sup> *Id.*

<sup>16</sup> The Exchange may disable the Underlying Stock Price/Strike Price Check by security without affecting the status of the NBBO Price Reasonability Checks.

<sup>17</sup> 15 U.S.C. 78f(b).

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2014-150 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2014-150. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>.) Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2014-150 and should be submitted on or before February 4, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Brent J. Fields,**  
*Secretary.*

[FR Doc. 2015-00376 Filed 1-13-15; 8:45 am]

**BILLING CODE 8011-01-P**

#### SMALL BUSINESS ADMINISTRATION

##### [Disaster Declaration #14208 and #14209]

##### California Disaster #CA-00228

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of California dated 01/07/2015.

*Incident:* December Winter Storms.  
*Incident Period:* 12/03/2014 through 12/23/2014.

*Effective Date:* 01/07/2015.  
*Physical Loan Application Deadline Date:* 03/09/2015.

*Economic Injury (EIDL) Loan Application Deadline Date:* 10/07/2015.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Tehama.

*Contiguous Counties:*

California: Butte, Glenn, Mendocino, Plumas, Shasta, Trinity.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners With Credit Available Elsewhere .....	3.875
Homeowners Without Credit Available Elsewhere .....	1.938
Businesses With Credit Available Elsewhere .....	6.000
Businesses Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations With Credit Available Elsewhere ...	2.625

<sup>18</sup> 17 CFR 200.30-3(a)(12).

	Percent
Non-Profit Organizations Without Credit Available Elsewhere .....	2.625
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations Without Credit Available Elsewhere .....	2.625

The number assigned to this disaster for physical damage is 14208 B and for economic injury is 14209 O.

The State which received an EIDL Declaration # is California.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: January 7, 2015.

**Maria Contreras-Sweet,**  
*Administrator.*

[FR Doc. 2015-00397 Filed 1-13-15; 8:45 am]

**BILLING CODE 8025-01-P**

#### SMALL BUSINESS ADMINISTRATION

##### [Disaster Declaration #14204 and #14205]

##### California Disaster #CA-00227

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of California dated 01/02/2015.

*Incident:* Severe Storms and Flooding.  
*Incident Period:* 12/11/2014 through 12/12/2014.

*Effective Date:* 01/02/2015.  
*Physical Loan Application Deadline Date:* 03/03/2015.

*Economic Injury (EIDL) Loan Application Deadline Date:* 10/02/2015.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* San Mateo.

**Contiguous Counties:**

California: Alameda, San Francisco,  
Santa Clara, Santa Cruz.

The Interest Rates are:

	Percent
<b>For Physical Damage:</b>	
Homeowners With Credit Available Elsewhere .....	3.875
Homeowners Without Credit Available Elsewhere .....	1.938
Businesses With Credit Available Elsewhere .....	6.000
Businesses Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere .....	2.625
<b>For Economic Injury:</b>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations Without Credit Available Elsewhere .....	2.625

The number assigned to this disaster for physical damage is 14204 B and for economic injury is 14205 0.

The State which received an EIDL Declaration # is California.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: January 2, 2015.

**Maria Contreras-Sweet,**  
Administrator.

[FR Doc. 2015-00395 Filed 1-13-15; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF STATE**

[Public Notice 9000]

**U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Online Dispute Resolution (ODR)**

The Office of the Assistant Legal Adviser for Private International Law, Department of State, hereby gives notice that the ACPIL ODR Study Group will hold a public meeting. The ACPIL ODR Study Group will meet to discuss the next session of the UNCITRAL ODR Working Group, scheduled for February 9-13, in New York. This is not a meeting of the full Advisory Committee.

The UNCITRAL ODR Working Group is charged with the development of legal instruments for resolving both business to business and business to consumer cross-border electronic commerce disputes. The Working Group is in the process of developing generic ODR procedural rules for resolution of cross-

border electronic commerce disputes, along with separate legal instruments that may take the form of annexes such as guidelines for online dispute resolution providers and arbitrators. For the reports of the first nine sessions of the UNCITRAL ODR Working Group—December 13-17, 2010, in Vienna (A/CN.9/716); May 23-27, 2011, in New York (A/CN.9/721); Nov. 14-18, 2011, in Vienna (A/CN.9/739); May 21-25, 2012, in New York (A/CN.9/744); November 5-9, 2012, in Vienna (A/CN.9/762); May 20-24, 2013, in New York (A/CN.9/769); November 18-22, 2013, in Vienna (A/CN.9/795); March 24-28, 2014, in New York (A/CN.9/801); and October 20-24, 2014, in Vienna (A/CN.9/827)—please follow the following link: [http://www.uncitral.org/uncitral/commission/working\\_groups/3Online\\_Dispute\\_Resolution.html](http://www.uncitral.org/uncitral/commission/working_groups/3Online_Dispute_Resolution.html). Documents relating to the upcoming session of the Working Group are available on the same link.

**Time and Place:** The meeting of the ACPIL ODR Study Group will take place on Tuesday January 27 from 10:00 a.m. to 1:00 p.m. EDT at 2430 E Street NW., South Building (SA 4) (Navy Hill), Room 356. Participants should arrive at Navy Hill before 9:45 a.m. for visitor screening. Participants will be met at the Navy Hill gate at 23rd and D Streets NW., and will be escorted to the South Building. Persons arriving later will need to make arrangements for entry using the contact information provided below. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

**Public Participation:** This meeting is open to the public, subject to the capacity of the meeting room. Access to Navy Hill is strictly controlled. For preclearance purposes, those planning to attend in person are requested to send an email to [PII@state.gov](mailto:PII@state.gov) providing full name, address, date of birth, citizenship, driver's license or passport number, affiliation, and email address. This will greatly facilitate entry. A member of the public needing reasonable accommodation should provide an email requesting such accommodation to [pil@state.gov](mailto:pil@state.gov) no later than a week before the meeting. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please email [pil@state.gov](mailto:pil@state.gov) to obtain the call-in number and other information. Data from the public is requested pursuant to Public Law 99-399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107-56 (USA PATRIOT Act); and Executive Order 13356. The purpose of

the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS-D) database. Please see the Security Records System of Records Notice (State-36) at <http://www.state.gov/documents/organization/103419.pdf> for additional information.

Dated: January 7, 2015.

**Michael J. Dennis,**  
Attorney-Adviser, Office of Private International Law, U.S. Department of State.

[FR Doc. 2015-00472 Filed 1-13-15; 8:45 am]

**BILLING CODE 4710-08-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

**Twenty Third Meeting: RTCA Special Committee 217—Aeronautical Databases Joint With EUROCAE WG-44—Aeronautical Databases**

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

**ACTION:** Notice of RTCA Special Committee 217—Aeronautical Databases Joint with EUROCAE WG-44—Aeronautical Databases.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 217—Aeronautical Databases being held jointly with EUROCAE WG-44—Aeronautical Databases.

**DATES:** The meeting will be held March 2-6 2015 from 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** The meeting will be hosted by Honeywell, V parku 16 148 00 Prague 4 Czech Republic.

**FOR FURTHER INFORMATION CONTACT:** Sophie Bousquet, [SBousquet@rtca.org](mailto:SBousquet@rtca.org), 202-330-0663 or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>. Pre-registration for the meeting is required to access Honeywell's Prague facility. Please send the following information to Scott Roesch ([Scott.Roesch@Honeywell.com](mailto:Scott.Roesch@Honeywell.com)) and copy Sophie Bousquet ([sbousquet@rtca.org](mailto:sbousquet@rtca.org)) by February 13, 2015: Name, Company, Nationality, Passport Number and Expiration Date.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of RTCA Special Committee 217—Aeronautical Databases held jointly with EUROCAE WG-44—

Aeronautical Databases. The agenda will include the following:

#### Monday, March 2nd

- Opening Plenary Session
- Co-Chairmen's remarks, introductions and Housekeeping
- Approve minutes from 22nd meeting
- Review and approve meeting agenda for 23rd meeting
- Review of joint WG-1/WG-2 Action Items

#### Tuesday, March 3rd through Thursday March 5th

- Working Group One (WG1)—Rev DO-200A—Stephane Dubet
  - DO-200B (ED-76A) Open Consultation/FRAC resolution
  - Overview of comments received (by FRAC Preparation Team)
- Working Group Two (WG2)—DO-272/DO-276/DO-291—John Kasten
  - Final work on Documents and review before FRAC
  - Schedule for FRAC release and associated actions

#### Friday Morning, March 6th

- Approval of Rev DO-200A (ED-76) for the PMC/TAC-Council
- Approval of Rev DO-272/DO-276/DO-291 for FRAC—Open Consultation
- Working arrangements for the remaining work and Review of action items

• Next meetings, dates and locations

• Any other business and Adjourn

Pre-registration for the meeting itself is required, if you have not already done so, please provide your information to Sophie Bousquet, [sbousquet@rtca.org](mailto:sbousquet@rtca.org). Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 8, 2015.

**Mohannad Dawoud,**

*Management Analyst, Program Oversight and Administration, ANG-A15, Federal Aviation Administration.*

[FR Doc. 2015-00469 Filed 1-13-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request Neville Peterson LLP on behalf of Trinity Industries, Inc. (WB605-11—1/7/14) for permission to use certain data from the Board's 2013

Carload Waybill Sample. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

*Contact:* Alexander Dusenberry, (202) 245-0319.

**Jeffrey Herzog,**

*Clearance Clerk.*

[FR Doc. 2015-00447 Filed 1-13-15; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Privacy Act of 1974; Systems of Records

**AGENCY:** Department of the Treasury.

**ACTION:** Notice of proposed Privacy Act of 1974 system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury ("Treasury") proposes to establish a new Privacy Act system of records titled "Treasury .015—General Information Technology Access Account Records." This system will allow Treasury to collect a discrete set of personally identifiable information in order to allow authorized individuals access to, or interaction with, Treasury information technology resources and allow Treasury to track use of its information technology resources.

**DATES:** Submit comments on or before February 13, 2015. This new system will be effective February 23, 2015 unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by one of the following methods:

- *Fax:* 202-622-3895.
- *Mail:* Helen Goff Foster, Deputy

Assistant Secretary for Privacy, Transparency, and Records, Office of Privacy, Transparency, and Records, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

*Instructions:* All submissions received must include the agency name for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information you provide with your submission. For access to background documents or comments

received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general questions and for privacy issues please contact: Deputy Assistant Secretary for Privacy, Transparency, and Records, Office of Privacy, Transparency, and Records (202-622-0790), Department of the Treasury, 1500 Pennsylvania Ave. NW., Washington, DC 20220.

**SUPPLEMENTARY INFORMATION:** In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury proposes to establish a new system of records titled, "Treasury .015—General Information Technology Access Account Records." The proposed system of records is published in its entirety below.

In accordance with 5 U.S.C. 552a(r), Treasury provided a report of this system of records to the Office of Management and Budget and Congress.

Dated: December 22, 2014.

**Helen Goff Foster,**

*Deputy Assistant Secretary for Privacy, Transparency, and Records.*

### TREASURY .015

#### SYSTEM NAME:

Treasury .015—General Information Technology Access Account Records System of Records.

#### SYSTEM LOCATION:

The records are located at Main Treasury and in other Treasury bureaus and offices, both in Washington, DC and at field locations as follows:

(1) Departmental Offices: 1500 Pennsylvania Ave. NW., Washington, DC 20220;

(2) Alcohol and Tobacco Tax and Trade Bureau: 1310 G St. NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency: Constitution Center, 400 Seventh St. SW., Washington, DC 20024;

(4) Fiscal Service: Liberty Center Building, 401 14th St. SW., Washington, DC 20227;

(5) Internal Revenue Service: 1111 Constitution Ave. NW., Washington, DC 20224;

(6) United States Mint: 801 Ninth St. NW., Washington, DC 20220;

(7) Bureau of Engraving and Printing: Eastern Currency Facility, 14th and C Streets SW., Washington, DC 20228 and Western Currency Facility, 9000 Blue Mound Rd., Fort Worth, TX 76131;

(8) Financial Crimes Enforcement Network: Vienna, VA 22183;

(9) Special Inspector General for the Troubled Asset Relief Program: 1801 L St. NW., Washington, DC 20220;

(10) Office of Inspector General: 740 15th St. NW., Washington, DC 20220; and

(11) Office of the Treasury Inspector General for Tax Administration: 1125 15th St. NW., Suite 700A, Washington, DC 20005.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

- All persons who are authorized to access Treasury information technology resources, including employees, contractors, grantees, fiscal agents, financial agents, interns, detailees, and any lawfully designated representative of the above as well as representatives of federal, state, territorial, tribal, local, international, or foreign government agencies or entities, in furtherance of the Treasury mission.

- Individuals who serve on Treasury boards and committees;

- Individuals who provide personal information in order to facilitate access to Treasury information technology resources;

- Industry points-of-contact providing business contact information for conducting business with government agencies;

- Industry points-of-contact emergency contact information in case of an injury or medical notification;

- Individuals who voluntarily join a Treasury-owned and operated web portal for collaboration purposes; and

- Individuals who request access but are denied, or who have had their access to Treasury information systems revoked.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

- Social Security number;
- Business name;
- Job title;
- Business contact information;
- Personal contact information;
- Pager numbers;
- Others phone numbers or contact information provided by individuals while on travel or otherwise away from the office or home;

- Citizenship;
- Level of access;
- Home addresses;
- Business addresses;
- Personal and business electronic mail addresses of senders and recipients;

- Justification for access to Treasury computers, networks, or systems;

- Verification of training requirements or other prerequisite requirements for access to Treasury computers, networks, or systems;

- Records on the authentication of a request for access to a Treasury IT resource, including names, phone

numbers of other contacts, and positions or business/organizational affiliations and titles of individuals who can verify that the individual seeking access has a need for access to a Treasury IT resource.

- Records on access to Treasury computers and networks including user IDs and passwords;

- Registration numbers or IDs associated with Treasury information technology resources;

- Date and time of access to Treasury IT resources;

- Tax returns and tax return information;

- Logs of activity when accessing and using Treasury information technology resources;

- Internet Protocol address of visitors to Treasury Web sites (a unique number identifying the computer from which a member of the public or others access Treasury IT resources); and

- Logs of individuals' internet activity while using Treasury IT resources.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101; EO 9397, as amended by EO 13487; and 44 U.S.C. 3534.

**PURPOSES:**

This system will allow Treasury to collect a discrete set of personally identifiable information in order to allow authorized individuals access to, or interactions with, Treasury information technology resources, and allow Treasury to track use of its information technology resources. The system enables Treasury to maintain: account information required for approved access to information technology; lists of individuals who are appropriate organizational points of contact; and lists of individuals who are emergency points of contact. The system will also enable Treasury to provide individuals access to certain meetings and programs where additional information is required and, where appropriate, facilitate collaboration by allowing individuals in the same operational program to share information.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of tax returns and tax return information may be made only as allowed by 26 U.S.C. 6103. In addition to those disclosures generally permitted under 5 U.S.C. 552a (b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a (b) (3), as follows:

A. To the Department of Justice (including United States Attorneys' Offices) or other federal agencies conducting litigation or in proceedings before any court or adjudicative or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. Treasury or any component thereof;
2. Any employee of Treasury in his/her official capacity;
3. Any employee of Treasury in his/her individual capacity where the Department of Justice or Treasury has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. Treasury suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. The disclosure made to such agencies, entities, and persons as is reasonably necessary to assist in connection with Treasury's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, fiscal agent, financial agents, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for Treasury, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to Treasury officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face

or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To sponsors, employers, contractors, facility operators, grantees, experts, fiscal agents, financial agents, and consultants in connection with establishing an access account for an individual or maintaining appropriate points of contact and when necessary to accomplish a Treasury mission function or objective related to this system of records.

I. To other individuals in the same operational program supported by an information technology resource, where appropriate notice to the individual has been made that his or her contact information will be shared with other members of the same operational program in order to facilitate collaboration.

J. To federal agencies such as the Office of Personnel Management, the Merit Systems Protection Board, the Office of Management and Budget, the Federal Labor Relations Authority, the Government Accountability Office, and the Equal Employment Opportunity Commission in the fulfillment of these agencies' official duties.

K. To international, federal, state, local, tribal, or private entities for the purpose of the regular exchange of business contact information in order to facilitate collaboration for official business.

L. To the news media and the public, with the approval of the Senior Agency Official for Privacy, or her designee, in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of Treasury or is necessary to demonstrate the accountability of Treasury's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records in this system are on paper and/or in digital or other electronic form. Digital and other electronic images are stored on a storage area network in a secured environment. Records, whether paper or electronic,

may be stored at the Treasury Headquarters or at the bureau or office level.

**RETRIEVABILITY:**

Information may be retrieved, sorted, and/or searched by an identification number assigned by computer, by facility, by business affiliation, email address, or by the name of the individual, or other employee data fields previously identified in this System of Records Notice.

**SAFEGUARDS:**

Information in this system is safeguarded in accordance with applicable laws, rules and policies, including Treasury Directive 85-01, Department of the Treasury Information Technology (IT) Security Program. Further, Treasury .015—General Information Technology Access Account Records system of records security protocols will meet multiple National Institute of Standards and Technology security standards from authentication to certification and authorization. Records in the Treasury .015—General Information Technology Access Account Records system of records will be maintained in a secure, password protected electronic system that will utilize security hardware and software to include: multiple firewalls, active intruder detection, and role-based access controls. Additional safeguards will vary by component and program. All records are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. These safeguards include restricting access to authorized personnel who have a "need to know," using locks, and password protection identification features. Treasury file areas are locked after normal duty hours and the facilities are protected by security personnel who monitor access to and egress from Treasury facilities.

**RETENTION AND DISPOSAL:**

Records are securely retained and disposed of in accordance with the National Archives and Records Administration's General Records Schedule 24, section 6, "User Identification, Profiles, Authorizations, and Password Files." Inactive records will be destroyed or deleted 6 years after the user account is terminated or password is altered, or when no longer needed for investigative or security purposes, whichever is later.

**SYSTEM MANAGER(S) AND ADDRESS:**

DASIT/CIO, Department of the Treasury, 1500 Pennsylvania Ave. NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing, in accordance with Treasury's Privacy Act regulations (located at 31 CFR 1.26), to the Freedom of Information Act (FOIA) and Transparency Liaison, whose contact information can be found at <http://www.treasury.gov/FOIA/Pages/index.aspx> under "FOIA Requester Service Centers and FOIA Liaison." If an individual believes more than one bureau maintains Privacy Act records concerning him or her, the individual may submit the request to the Office of Privacy, Transparency, and Records, FOIA and Transparency, Department of the Treasury, 1500 Pennsylvania Ave. NW., Washington, DC 20220.

No specific form is required, but a request must be written and:

- Be signed and either notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization
  - State that the request is made pursuant to the FOIA and/or Privacy Act disclosure regulations;
  - Include information that will enable the processing office to determine the fee category of the user;
  - Addressed to the bureau that maintains the record (in order for a request to be properly received by the Department, the request must be received in the appropriate bureau's disclosure office);
  - Reasonably describe the records;
  - Give the address where the determination letter is to be sent;
  - State whether or not the requester wishes to inspect the records or have a copy made without first inspecting them; and
  - Include a firm agreement from the requester to pay fees for search, duplication, or review, as appropriate. In the absence of a firm agreement to pay, the requester may submit a request for a waiver or reduction of fees, along with justification of how such a waiver request meets the criteria for a waiver or reduction of fees found in the FOIA statute at 5 U.S.C. 552(a)(4)(A)(iii).
- You may also submit your request online at <https://rdgw.treasury.gov/foia/pages/gofoia.aspx> and call 1-202-622-0930 with questions.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

Information contained in this system is obtained from affected individuals, organizations, and facilities; public source data; other government agencies; and information already in other Treasury records systems.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 2015-00403 Filed 1-13-15; 8:45 am]

**BILLING CODE 4810-25-P**

## **DEPARTMENT OF VETERANS AFFAIRS**

[OMB Control No. 2900-0519]

### **Agency Information Collection (A Locality Pay for Nurses and Other Health Care Personnel, VA Form 10-0132); Activities: Under OMB Review**

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before February 13, 2015.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://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 [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Please refer to "OMB Control No. 2900-0519 (VA Locality Pay for Nurses and Other Health Care Personnel)" 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](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-

0519 (VA Locality Pay for Nurses and Other Health Care Personnel)" in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Title:* Locality Pay for Nurses and Other Health Care Professionals, VA Form 10-0132.

*OMB Control Number:* 2900-0519.

*Type of Review:* Revision of an approved collection.

*Abstract:* The collection of this information is necessary to comply with the provisions of Public Law 101-366 (Department of Veterans Affairs (VA) Nurse Pay Act of 1990) as amended by 106-419 (Veterans Benefits and Health Care Improvement Act of 2000), which specifically provides for a locality pay system for certain health care personnel within VA. Rates of pay are established by VA medical facility Directors based on rates of compensation for corresponding positions in the local labor market. The law requires that where available, data from the Bureau of Labor Statistics or other third party industry surveys will be used in determining the beginning rates of compensation. However, VA medical facility Directors may conduct a salary survey in an attempt to collect comparable survey data in order to implement and adjust rates for registered nurses, nurse anesthetists, and other health care personnel when other data sources are not available.

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 at 79 FR 61691, October 14, 2014.

*Affected Public:* Individuals or households.

*Estimated Total Annual Burden:* 67 hours.

*Estimated Average Burden per Respondent:* 1.5 minutes.

*Frequency of Response:* Yearly.

*Estimated Number of Respondents:* 90.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, Department of Veterans Affairs.*

[FR Doc. 2015-00407 Filed 1-13-15; 8:45 am]

**BILLING CODE 8320-01-P**

## **DEPARTMENT OF VETERANS AFFAIRS**

[OMB Control No. 2900-0760]

### **Agency Information Collection (Certification of United States Paralympics Training Status) Activities Under OMB Review**

**AGENCY:** Office of National Veterans Sports Programs and Special Events, 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 Office of National Veterans Sports Programs and Special Events, 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 February 13, 2015.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://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 [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Please refer to "OMB Control No. 2900-0760" 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](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-0760" in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Title:* Certification of United States Paralympics Training Status, VA Forms 0918a, 0918b.

*OMB Control Number:* 2900-0760.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Section 703 of the Veterans' Benefits Improvement Act of 2008, Public Law 110-389, authorizes the Department of Veterans Affairs (VA) to administer a monthly assistance allowance to a veteran with a service-connected or non service-connected disability if the veteran is competing for a slot on or selected for the United States Paralympics team or is residing at



a United States Paralympics training center.

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 79 FR 59362, October 1, 2014.

*Affected Public:* 100.

*Estimated Annual Burden:* 30 hours.

*Estimated Average Burden per*

*Respondent:* 25 minutes.

*Frequency of Response:* Annually.

*Estimated Number of Respondents:* 100.

Dated: January 9, 2015.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2015-00386 Filed 1-13-15; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0768]

### Agency Information Collection (Joint Application for Comprehensive Assistance and Support Services for Family Caregivers)

**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 February 13, 2015.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://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 [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Please refer to "OMB

Control No. 2900-0768" 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](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-0768" in any correspondence.

#### SUPPLEMENTARY INFORMATION:

**Titles:** Application for Comprehensive Assistance for Family Caregivers Program, VA Form 10-10CG.

**OMB Control Number:** 2900-0768.

**Type of Review:** Revision of a currently approved collection.

**Abstract:** The information collected will be used to determine if an Operation Enduring Freedom/Operation Iraqi Freedom/Operation New Dawn (OEF/OIF/OND) Veteran or active duty service member undergoing medical discharge qualifies for Caregiver Support Services and whether the individuals designated to serve as a primary or secondary family caregiver meet VA's criteria to serve in these roles.

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 at 79 FR 59562, October 2, 2014.

*Affected Public:* Individuals or households.

*Estimated Total Annual Burden:* 1,250 hours.

*Estimated Average Burden per Respondent:* 15 minutes.

*Frequency of Response:* Annually.

*Estimated Number of Respondents:* 5,000.

Dated: January 9, 2015.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2015-00456 Filed 1-13-15; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0209]

### Agency Information Collection (Application for Work-Study Allowance): 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 February 13, 2015.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://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 [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Please refer to "OMB Control No. 2900-0209" 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](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-0209" in any correspondence.

#### SUPPLEMENTARY INFORMATION:

##### Titles

- Application for Work-Study Allowance, VA Form 22-8691.
- Student Work-Study Agreement (Advance Payment), VA Form 22-8692.
- Extended Student Work-Study Agreement, VA Form 22-8692a.
- Work-Study Agreement, VA Form 22-8692b.

**OMB Control Number:** 2900-0209.

**Type of Review:** Revision of a currently approved collection.

##### Abstracts

- VA Form 22-8691 is used by claimants to apply for work-study benefits.



b. VA Form 22-8692 is used to request an advance payment of work-study allowance.

c. VA Form 22-8692a is used by a claimant to extend his or her work-study contract.

d. VA Form 22-8692b is used by claimants who do not want a work-study advanced allowance payment.

The data collected is used to determine an applicant's eligibility for work-study allowance and the amount payable.

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 at 79 FR 62712, October 20, 2014.

*Affected Public:* Individuals or households.

#### Estimated Annual Burden

- a. VA Form 22-8691—5,008 hours.
- b. VA Form 22-8692 & VA Form 22-8692b—1,296 hours.
- c. VA Form 22-8692a—153 hours.

#### Estimated Average Burden per Respondent

- a. VA Form 22-8691—15 minutes.
  - b. VA Form 22-8692—5 minutes.
  - c. VA Form 22-8692a—3 minutes.
  - d. VA Form 22-8692b—5 minutes.
- Frequency of Response:* Annually.

#### Estimated Number of Respondents

- a. VA Form 22-8691—20,032.
- b. VA Form 22-8692 & VA Form 22-8692a—15,549.
- c. VA Form 22-8692b—3,054.

Dated: January 9, 2015.

By direction of the Secretary.

**Crystal Rennie,**

*Department Clearance Officer, Department of Veterans Affairs.*

[FR Doc. 2015-00391 Filed 1-13-15; 8:45 am]

BILLING CODE 8320-01-P

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0073]

### Agency Information Collection (VA Enrollment Certification): 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 February 13, 2015.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://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](mailto:oira_submission@omb.eop.gov). Please refer to "OMB Control No. 2900-0073 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](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-0073" in any correspondence.

#### SUPPLEMENTARY INFORMATION:

*Title:* VA Enrollment Certification, VA Form 22-1999.

*OMB Control Number:* 2900-0073.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* School officials and employers complete VA Form 22-1999 to report and certify a claimant's enrollment in an educational program. The data is used to determine the amount of benefits payable and whether the claimant requested an advanced or accelerated payment.

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 at 79 FR 60584, October 7, 2014.

*Affected Public:* Not-for-profit institutions.

*Estimated Annual Burden:* 747,814 hours.

*Estimated Average Burden per Respondent:* 10 minutes.

*Frequency of Response:* 2 annually.

*Estimated Number of Respondents:* 1,424,443.

Dated: January 9, 2015.

By direction of the Secretary.

**Crystal Rennie,**

*Department Clearance Officer, Department of Veterans Affairs.*

[FR Doc. 2015-00438 Filed 1-13-15; 8:45 am]

BILLING CODE 8320-01-P

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-NEW (VA Form 20-0968)]

### Agency Information Collection (Claim for Reimbursement of Travel Expenses) 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 February 13, 2015.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://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](mailto:oira_submission@omb.eop.gov). Please refer to "OMB Control No. 2900-NEW (Claim for Reimbursement of Travel Expenses)" 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](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-NEW (Claim for Reimbursement of Travel Expenses)" in any correspondence.

#### SUPPLEMENTARY INFORMATION:

*Title:* Claim for Reimbursement of Travel Expenses, VA Form 20-0968.

*OMB Control Number:* 2900-NEW.

*Type of Review:* New collection.

*Abstract:* The purpose of the information collection is for claimants to apply for the mileage reimbursement

benefit in an efficient, convenient and accurate manner. VBA must determine the identity of the claimant; the dates and length of the trip being claimed, based on the claimant's residence and the place of evaluation and counseling, or other place in connection with vocational rehabilitation; and whether expenses other than mileage are being claimed.

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 at 79 FR 60234, October 6, 2014.

*Affected Public:* Federal Government.  
*Estimated Annual Burden:* 21,667

hours.

*Estimated Average Burden per*

*Respondent:* 5 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 130,000.

Dated: January 9, 2015.

By direction of the Secretary.

**Crystal Rennie,**

*Department Clearance Officer, Department of Veterans Affairs.*

[FR Doc. 2015-00430 Filed 1-13-15; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0630]

### Agency Information Collection (Regulation on Application for Fisher Houses and Other Temporary Lodging, VA Forms 10-0408 and 10-0408a)

**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 February 13, 2015.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://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](mailto:oira_submission@omb.eop.gov). Please refer to "OMB Control No. 2900-0630" 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](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-0630" in any correspondence.

#### SUPPLEMENTARY INFORMATION:

*Title:* Regulation on Application for Fisher Houses and Other Temporary Lodging.

*OMB Control Number:* 2900-0630.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* VA is mandated to establish a program for providing temporary lodging under section 221(a) of the Veterans Benefits and Health Care Act of 2000 (Pub. L. 106-419). These statutory provisions have been codified at 38 U.S.C. 1708 and are administered by the Veterans Health Administration (VHA) of VA. This program provides temporary lodging by veterans receiving VA medical care or C&P examinations and by family members or other persons accompanying veterans to provide the equivalent of familial support. If the veteran is undergoing extensive treatment or procedures, such as an organ transplant or chemotherapy, eligible persons may be furnished temporary lodging for the duration of the episode of care. Data is collected during the application process to determine eligibility for temporary lodging.

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 at 79 FR 60587, October 7, 2014.

*Affected Public:* Individuals or households.

*Estimated Total Annual Burden:* 83,333.

*Estimated Average Burden per Respondent:* 10 minutes.

*Frequency of Response:* Yearly.

*Estimated Number of Respondents:* 250,000.

Dated: January 9, 2015.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2015-00440 Filed 1-13-15; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0216]

### Agency Information Collection (Application for Accrued Amounts Due a Deceased Beneficiary) 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 February 13, 2015.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://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](mailto:oira_submission@omb.eop.gov). Please refer to "OMB Control No. 2900-0216" 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](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-0216" in any correspondence.

#### SUPPLEMENTARY INFORMATION:

*Title:* Application for Accrued Amounts Due a Deceased Beneficiary, VA Form 21P-601.

*OMB Control Number:* 2900-0216.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* The information collected on VA Form 21-601 is used to determine

a claimant's entitlement to accrued benefits that was due to a deceased Veteran but not paid prior to the Veteran's death. Each survivor claiming a share of the accrued benefits must complete a separate VA Form 21-601; however if there is no living survivors who are entitled on the basis of relationship, accrued benefits may be payable as reimbursement to the person or persons who bore the expenses of the Veteran's last illness and burial expenses.

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 at 79 FR 48297, August 15, 2014.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 2,300 hours.

*Estimated Average Burden per Respondent:* 30 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 4,600.

Dated: January 9, 2015.

By direction of the Secretary.

**Crystal Rennie,**

*Department Clearance Officer, Department of Veterans Affairs.*

[FR Doc. 2015-00396 Filed 1-13-15; 8:45 am]

**BILLING CODE 8320-01-P**

# Reader Aids

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